

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-20129

Case No. 11-20066

-v-

SCOTT WILLIAM SUTHERLAND, D-1,
PATRICK MICHAEL MCKEOUN, D-4,
JEFF GARVIN SMITH, D-5/D-1,
PAUL ANTHONY DARRAH, D-6/D-2,
CARY DALE VANDIVER, D-7/D-5,
VINCENT WITORT, D-8,
DAVID RANDY DROZDOWSKI, D-17,

Defendants.

EXCERPT OF JURY TRIAL, VOLUME III

BEFORE THE HONORABLE ROBERT H. CLELAND
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Thursday, October 17, 2014

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CERTIFICATE OF REPORTER

186

1 Detroit, Michigan

2 October 17, 2014

3 9:12 a.m.

4 * * *

5 THE CLERK: All rise.

6 (Jury in, 9:12 a.m.)

7 THE COURT: All right. The jury is assembled. You
8 may be seated.

9 And I would note we are making steady progress, minute
10 by minute as the days go on here toward an on-time start. The
11 lawyers were on time. We just had business to discuss,
12 organizational business, which is, frankly, very common. In
13 fact, I'm going to find ways of getting that done even more
14 expeditiously next week and the week after.

15 All right. Your witness is here for additional
16 examination. The witness can come forward. Okay.

17 Ms. Casey, yes?

18 THE WITNESS: Yes.

19 THE COURT: You know how to have a seat here, please.
20 Move the microphone out of your way, and then back again when
21 you scoot the chair up, please. And your oath continues, of
22 course, as is the case with all witnesses. And the witness is
23 available for examination.

24 Mr. Pitts?

25 MR. PITTS: May it please the Court, your Honor.

1 KAREN CASEY

2 Previously called as a witness testified as follows:

3 CROSS-EXAMINATION

4 BY MR. PITTS:

5 Q. Good morning, Mrs. Casey.

6 A. Good morning.

7 Q. I am going to endeavor just to ask you a few questions. If
8 you don't understand my question, or have trouble hearing me,
9 please let me know, or this honorable Court. And certainly I
10 will rephrase it in a way that's understandable. Okay?

11 A. Yes, sir.

12 Q. Okay. I want to direct your attention, if I may, back to
13 February 1st of 2012. Okay? That was a date you came for the
14 grand jury. Fair statement to make?

15 A. Yeah. I guess.

16 Q. Okay. You came before the grand jury in the year 2012,
17 correct?

18 A. Correct.

19 Q. Okay. And in fact, you didn't appear voluntarily; you were
20 subpoenaed to appear, ordered to appear, correct?

21 A. Correct.

22 Q. And at the time you appeared before the grand jury, you
23 were on either probation or parole, correct?

24 A. Probation, Community control.

25 Q. But probation, fair statement to make?

1 A. Yeah.

2 Q. Not only were you on probation, you also had a pending
3 separate case; isn't that also correct?

4 A. Correct.

5 Q. Okay. Now, you understand that when you're on probation,
6 if you were to be charged with a separate case, you risk
7 violating that probation. Fair statement to make?

8 A. Yes.

9 Q. Okay. And in violating that probation -- just as a
10 backdrop, you were a free woman when you came to the -- you
11 were not under any sort of control or auspices of a
12 correctional facility, correct?

13 A. No.

14 Q. You walked in as a free woman, correct?

15 A. Yes.

16 Q. But a free woman who was on probation?

17 A. Yes.

18 Q. And it's a fair statement to make, is it not, that a
19 violation -- that if you were to be charged with a crime, you
20 might violate that probation, correct?

21 A. Yeah.

22 Q. What were you on probation for at that time?

23 A. Possession of methamphetamine and possession of
24 paraphernalia.

25 Q. Okay. And you were facing new charges. What were the new

1 charges you were facing? You had a pending case. What was
2 that pending case you were charged with?

3 A. My pending case was also the same.

4 Q. Same thing?

5 A. Yes, sir.

6 Q. Okay. Same set of acts, but you were on probation for --
7 your probation in one charge, and then you're facing a separate
8 charge for the same acts, dealing with methamphetamine,
9 correct?

10 A. Correct.

11 Q. And those are both in the state of Ohio, ma'am?

12 A. No.

13 Q. Which, what state were they in?

14 A. Kansas.

15 Q. They were in Kansas, I'm sorry. Okay.

16 But those are state charges, correct?

17 A. Yes.

18 Q. And given your familiarity with the criminal justice
19 system, you understand there's a difference between being
20 charged by the -- in the state system, by a state prosecutor or
21 a county prosecutor, and being charged by the Federal
22 Government. Those are two different things, you understand
23 that, correct?

24 A. Yes.

25 Q. Obvious. And it's a fair statement to make, ma'am, that

1 your understanding that in certain circumstances the charges
2 with a -- a federal charges can sometimes be quite a bit more
3 severe. You understand that, don't you?

4 A. Yes.

5 Q. And as a free woman, the last thing you want is to be
6 charged with a federal crime; fair statement to make?

7 A. Yeah.

8 Q. And one of the first -- and when you came into the grand
9 jury room, you saw some of the people who were sitting in this
10 particular table, correct?

11 A. Yeah.

12 Q. Okay. And one of the first things that you were told was
13 that you were not a target of their investigation, correct?

14 A. That's correct.

15 Q. That has got to be a huge relief to you, correct?

16 A. Well, yeah.

17 Q. Because you know, because you understood it to mean that
18 being a target, you understood that to mean that they weren't
19 looking at you, correct?

20 A. Because I wasn't doing nothing to be looked at.

21 Q. That's fair enough. But you knew, when they told you you
22 were not a target, you understood that to mean that you were
23 not the focus of their investigation, correct?

24 A. Correct.

25 Q. You understood that to mean that they weren't -- at least

1 at that time, you were not somebody they were looking to go
2 after, to charge, correct?

3 A. That's correct.

4 Q. And, ma'am, it's a fair statement to make that over the
5 years, you have been involved in several episodes of interstate
6 drug trafficking, correct?

7 A. Over the, over the --

8 Q. Over -- going back to the '80s and the '90s, you have been
9 involved in several acts of interstate drug trafficking,
10 haven't you?

11 A. Yes, I have.

12 Q. And you didn't want to be charged by the Federal Government
13 with said interstate drug trafficking, did you?

14 A. (No response.)

15 Q. Fair statement to make? You don't want to be charged by
16 this Federal Government with interstate drug trafficking,
17 correct?

18 A. Nobody wants to be charged.

19 Q. And you included, correct?

20 A. Correct.

21 Q. So as I said before, it had to be relief, it had to be a
22 relief to you, that you were not, from the very beginning, the
23 Government told you, you were not the target of their
24 investigation, correct?

25 A. I don't think it came about in those words per se that I

1 was not a target.

2 Q. Ma'am, do you remember -- page 3 of the grand jury
3 transcript.

4 Ma'am, do you remember the -- being asked the
5 following question and giving the following answer? I am
6 referencing pages 3 and 4 of the grand jury transcript, line
7 18:

8 "Question: Also, to your right is the grand jury
9 reporter, who is making a written record of these proceedings.
10 I advise you, at this time, you are not a target of this
11 investigation. I advise you that you do not have the right to
12 remain silent. You are under a legal obligation to testify
13 truthfully and completely in answering questions put forward
14 either by myself, AUSA Straus, or members of the grand jury.
15 Do you understand that?

16 Answer: Yes, I do."

17 Do you remember being asked that question and giving
18 that answer?

19 A. Not specifically. No.

20 MR. PITTS: If I may, your Honor, ask the Court's
21 permission to approach?

22 BY MR. PITTS:

23 Q. If I showed you the grand jury testimony, might that
24 refresh your memory?

25 THE COURT: I think that actually has been explored.

1 I think she has said she does not remember that, so let's move
2 to the next point.

3 BY MR. PITTS:

4 Q. And it's a fair statement to make, ma'am --

5 THE COURT: If you need to, without approaching the
6 witness, or further exploring the state of her memory on this
7 particular point, you could proffer that, that that's -- if you
8 suggest the transcript says that, you can simply proffer that
9 that's what it says.

10 MR. PITTS: Can we enter into a stipulation that I've
11 accurately read the transcript?

12 MS. MOHSIN: As to that, yes.

13 MR. PITTS: Okay. Very good.

14 THE COURT: As to that point. All right. Go ahead.
15 Next point?

16 BY MR. PITTS:

17 Q. And certainly you had to feel that, in light of your years
18 of interstate methamphetamine trafficking, you were receiving
19 quite a benefit from the Government that you were not the
20 target of their investigation; isn't that true?

21 A. It was the 2000's. My transactions occurred in the late
22 '80s and '90s.

23 Q. I understand the years, ma'am. But do you understand that
24 it was a benefit to you to not be charged for your earlier
25 narcotics activity in the '80s and the '90s? Didn't you

1 consider that to be a benefit?

2 A. But I was charged.

3 Q. By the -- let me be more clear.

4 Weren't -- didn't you consider it a benefit to not be
5 charged by the Federal Government with your actions involving
6 methamphetamine trafficking in the '90s? Didn't you feel that
7 to be a benefit? Because you certainly didn't want to be
8 charged federally for that, those actions, did you?

9 A. Well, no, but the state did discuss taking it federal.

10 Q. Very good, ma'am. But they didn't take it federal, did
11 they?

12 A. No, they did not.

13 Q. You're in front of the Federal Government with the grand
14 jury, are you not?

15 A. Yes, I am.

16 Q. They told you, you were not a target of their
17 investigation, correct?

18 A. Correct.

19 Q. That's a benefit to you, is it not? You've got to believe
20 it's a benefit, because like you said, you certainly don't want
21 to face federal charges; isn't that true?

22 MS. MOHSIN: Judge, I think we've been over this and
23 over this and over this.

24 MR. PITTS: The question is whether it's a benefit,
25 your Honor, does she believe it to be.

1 THE COURT: You can get a clarification on that and
2 then I think it's been explored.

3 BY MR. PITTS:

4 Q. My last final question: Ma'am, didn't you consider the
5 fact, didn't you consider it to be a -- the word I'm focusing
6 on is "benefit." Didn't you consider it to be a benefit that
7 you were not being charged for your prior narcotics trafficking
8 by the Federal Government? Yes or no?

9 A. No.

10 Q. Ma'am, I want to direct your attention back to some
11 testimony you gave yesterday regarding -- you said you were
12 going back and forth to California, correct?

13 A. Yes.

14 Q. Now, you've testified that in going back and forth to
15 California, you used at least three identifications, correct?

16 A. Yes.

17 Q. Those are identifications of other people, correct?

18 A. Correct.

19 Q. And in fact, in order to obtain the identifications of
20 other people, on at least one occasion, you acquired,
21 fraudulently acquired the Social Security numbers of an
22 individual, correct?

23 A. Yes.

24 Q. And you fraudulently -- after fraudulently acquiring the
25 Social Security numbers of -- does the name Victoria Converse

1 ring a bell?

2 A. Yes.

3 Q. That's one of the names you used, correct?

4 A. Correct.

5 Q. And to acquire her name, you fraudulently got her Social
6 Security number; fair statement?

7 A. Yes.

8 Q. And you got identification in her name, correct?

9 A. Yes.

10 Q. And you went around signing her name, correct?

11 A. Yes.

12 Q. So you were not only involved with identity theft, you were
13 committing forgery, because you are not Victoria Converse,
14 correct?

15 A. Yes.

16 Q. And to the best of your knowledge, Victoria Converse is not
17 a, as you said yesterday, we've defined this, an old lady,
18 correct?

19 A. Repeat that.

20 Q. Let me just be more specific. You've indicated that
21 girlfriends or wives of club members are known as old ladies?

22 A. Correct.

23 Q. Okay. Victoria Converse wasn't an old lady, to the best of
24 your knowledge, was she?

25 A. No.

1 Q. She wasn't affiliated with the club in any particular way,
2 to the best of your knowledge, was she?

3 A. No.

4 Q. She was just, to the best of your knowledge, an average,
5 run-of-the-mill citizen?

6 A. Yes.

7 Q. Who you took advantage of to further your narcotics
8 trafficking, correct?

9 A. Yes.

10 Q. Do you remember the names of any of the other
11 identifications you falsely acquired?

12 A. My sister.

13 Q. Your sister? So you forged her name? Correct?

14 A. With her knowledge, yes.

15 Q. Okay. And her name is Catherine, is it not?

16 A. Mh-hm.

17 Q. Do you know what, if any, ramifications Victoria Converse
18 suffered by you fraudulently using her identity?

19 A. No, I do not.

20 Q. Okay. You don't know if she had -- what, if any, problems
21 occurred to her particular credit as it relates to you
22 fraudulently using her identification to further your narcotics
23 trafficking?

24 A. No. I vaguely remember a hospital bill that was signed off
25 by the Fairfield County Sheriff's Department.

1 Q. That would have been at Defiance Hospital, would it not,
2 ma'am?

3 A. If you got it there, I'm pretty sure, yes.

4 Q. Okay. Other than your sister and Victoria Converse, do you
5 know the name of the other, I assume it's a woman, whose
6 identity you stole?

7 A. It was McNutt something.

8 Q. Okay. Another person who was not affiliated, to the
9 best -- Ms. McNutt, another person who, to the best of your
10 knowledge, was not affiliated with the Devils Diciples in any
11 way, correct?

12 A. No.

13 Q. Wasn't a, would the proper term be "old lady"?

14 A. Correct.

15 Q. Of the Devils Diciples?

16 Wasn't a "property of"? She didn't fall into that
17 category, did she?

18 A. No.

19 Q. Do you know what, if any, legal ramifications came to Ms.
20 McNutt as to you falsely using her identity?

21 A. No, I do not.

22 Q. Do you know if any ramifications came to her by you forging
23 her name, correct?

24 A. No, I do not.

25 Q. Okay. So along with forgery and identity theft, ma'am, you

1 have been convicted of false reporting of a crime in 2009;
2 isn't that true?

3 A. Yes, it is.

4 Q. In fact, this is a crime -- these are -- forgery and
5 identity theft, false reporting of a crime, these deal with
6 issues of truth or dishonesty; isn't that a fair statement to
7 make? Yes or no, ma'am?

8 A. No, it's not.

9 Q. Okay.

10 A. You don't know the extenuating circumstances of --

11 Q. I'm just asking you, ma'am, if you could just be responsive
12 to my question.

13 Forgery, identity theft, those deal with issues of
14 truth or dishonesty, do they not, ma'am? In your estimation,
15 don't they?

16 MS. MOHSIN: Asked and answered, your Honor.

17 MR. PITTS: I didn't receive an answer, your Honor.

18 THE COURT: You may have an answer.

19 BY MR. PITTS:

20 Q. May I have an answer please, ma'am?

21 A. Yes.

22 Q. False reporting of a crime deals with issues of truth or
23 dishonesty, doesn't it, ma'am?

24 A. Yes, it does.

25 Q. Theft, which you were convicted of in 2009 and 2010, deals

1 with an issue of dishonesty, truth or dishonesty; isn't that
2 true, ma'am?

3 A. Yes, it is.

4 Q. To further your criminal activities over the years, you've
5 been involved in multiple episodes of truth or dishonesty,
6 multiple infractions involving truth or dishonesty, haven't
7 you?

8 A. Yes.

9 Q. You've hurt innocent people to help yourself, haven't you,
10 ma'am?

11 A. Had good teachers.

12 Q. Very well. But you've hurt innocent people to help
13 yourself, haven't you, ma'am? Yes or no?

14 A. Yes.

15 Q. And the manner in which you were helping yourself, and I
16 think we've established this, is the selling of narcotics,
17 correct?

18 A. Yes.

19 Q. You've been selling narcotics well before you had any
20 encounters with individuals, whoever they might be, in
21 California; isn't that a true statement?

22 A. Yes.

23 Q. Because when you first met Bugs -- and "Bugs," that's his
24 nickname within the, within the club, correct?

25 A. Yes.

1 Q. Is your husband. You're still married, you said?

2 A. Yes.

3 Q. That's Mr. Charles Casey; fair statement?

4 A. Yes.

5 Q. Okay. And with Charles Casey, you began selling cocaine in
6 the late '80s, correct?

7 A. Yes.

8 Q. Nothing to do with California; fair statement to make?

9 A. Yes.

10 Q. Okay. You were going back and forth from Ohio to get the
11 cocaine; isn't that true?

12 A. Yes.

13 Q. In the late '80s, you were involved in dealing with crystal
14 meth, were you not?

15 A. Yes.

16 Q. Selling that, correct?

17 A. My job --

18 Q. Yes or --

19 A. -- was trafficking.

20 Q. -- no, ma'am?

21 A. No.

22 Q. You were trafficking in crystal meth, were you not, ma'am?

23 A. Yes. But it was not my job to sell it.

24 Q. Okay. But you were participating in the distribution of
25 the crystal meth, correct?

1 A. Yes.

2 Q. Breaking the law; fair statement?

3 A. Yes.

4 Q. And you were doing -- right now I'm focusing on the crystal
5 meth selling, crystal meth trafficking, and the cocaine
6 trafficking.

7 You and Bugs, Mr. Casey, were doing this to benefit
8 yourself, correct?

9 A. (No response.)

10 Q. Put money in your pocket, correct?

11 A. Yes.

12 Q. It's a business; fair statement?

13 A. Yeah.

14 Q. And at a certain point, I think you said in the early '90s,
15 '93, '94, you began getting involved in the trafficking of
16 methamphetamine, correct?

17 A. Yes.

18 Q. And you testified yesterday that a pound of
19 methamphetamine, before it's stepped on, might be worth about
20 \$32,000, correct?

21 A. Yes.

22 Q. And then once you step on it -- that means to, to put
23 additives on to the base product to make more of it, correct?

24 A. Right.

25 Q. Might be double or triple the \$32,000 once you step on it

1 once or twice or three times; fair statement?

2 A. Yeah.

3 Q. There's some good money to be made in meth; fair statement?

4 A. Yeah.

5 Q. And you were using that money, you and Mr. Casey, to
6 further your own, let's just call it a small business of drug
7 selling, correct?

8 A. Yes.

9 Q. Okay. Putting that money, this sort of Casey family
10 enterprise, the selling of the meth was to further your own
11 financial ends, correct?

12 A. Yes.

13 Q. And then around 1990, you had a daughter, did you not?

14 A. Yes, I did.

15 Q. Okay. Once you have a daughter, you have an extra mouth to
16 feed; fair statement?

17 A. Yeah.

18 Q. Okay. So making money became even more important, because
19 not only did you have to take care of yourselves, that meaning
20 you and Mr. Casey, you had young Ella to take care of, correct?

21 A. Right.

22 Q. So the Casey family enterprise was designed to put food in
23 the mouths of not only you and your husband, but your young
24 child; fair statement?

25 A. Fair.

1 Q. It's also fair, is it not, ma'am, that we spent a lot of
2 time yesterday talking about your selling of methamphetamine to
3 members of the motorcycle club, correct?

4 A. Yes.

5 Q. But you didn't exclusively sell to the motorcycle club; you
6 sold to anybody who would buy it, correct?

7 A. Like I said, that wasn't my position to sell the
8 methamphetamine.

9 Q. I understand that, ma'am. But my question is that you
10 would sell meth to anyone who would buy it; isn't that true?

11 A. No.

12 Q. You were in the business to make money; fair statement to
13 make?

14 A. That is a fair statement to make.

15 Q. And if people can't -- you're saying, and you're saying
16 under oath, that if people wanted to buy your meth who were not
17 Devils Dicycle club members, you wouldn't sell it to them?

18 A. Depending.

19 Q. Depending.

20 So you would sell to people who were not in the Devils
21 Diciples Motorcycle Club, correct?

22 A. My husband would, yes.

23 Q. Okay. Well, I mean -- and when I'm talking, I'll be more
24 specific. You -- strike that.

25 Your husband, with your knowledge, would sell to

1 members -- to people who were not members of this motorcycle
2 club, correct?

3 A. Yes.

4 Q. In fact, your husband would sell to anybody -- he didn't
5 want to get busted; fair statement to make? Nobody does,
6 correct?

7 A. Correct.

8 Q. He'd sell to anybody who he felt wouldn't cause him to get
9 in trouble with the law; isn't that true?

10 A. Okay.

11 Q. Not okay. Isn't that true, ma'am? Yes or no?

12 MS. MOHSIN: Your Honor, I'm going to object as to
13 what her husband would or would not think or do and the nature
14 of this question.

15 THE COURT: Well, You might want to rephrase the
16 question.

17 MR. PITTS: Okay.

18 BY MR. PITTS:

19 Q. You are aware -- you and your husband are working together,
20 correct?

21 A. Yes.

22 Q. In the selling of methamphetamine, correct?

23 A. Yes.

24 Q. He trusted you, correct?

25 A. Yes.

1 Q. Confided in you?

2 A. Yes.

3 Q. You knew his business, and you -- and he knew your business
4 and you knew his as it relates to your, the Casey family
5 enterprise, correct?

6 A. Yes.

7 Q. And based upon your knowledge of the behavior of your
8 husband, you knew that he would sell to members -- he'd sell to
9 individuals who were not members of the motorcycle club, yes or
10 no?

11 A. Yes.

12 Q. And in terms of getting the product, getting the
13 methamphetamine, you dealt with people who were outside of the
14 motorcycle club; isn't that true?

15 A. As far as getting? Receiving?

16 Q. Let me ask you this: You received meth from an individual
17 by the name of Boris, correct?

18 A. Yes.

19 Q. Boris is not in the Devils Diciples, is he?

20 A. No, he's not.

21 Q. Ma'am, you received meth from an individual by the name of
22 Buddy Mahaffey, did you not?

23 A. That name is not familiar to me.

24 Q. That's not familiar to you?

25 A. No.

1 Q. You received meth from an individual -- from an individual
2 by the name of Bill Gallant; isn't that true?

3 A. Affiliated with Devils Diciples, correct.

4 Q. But he is not a club member, is he?

5 A. No.

6 Q. You also had interactions, you mentioned yesterday, you
7 interacted with a woman by the name of Sherri, correct, as it
8 relates to the distribution of methamphetamine; isn't that
9 true?

10 A. I never picked her up, but yes.

11 Q. I'm sorry. What did you say?

12 A. I never picked her up.

13 Q. I didn't ask you did you pick her up. I said did you
14 interact with a woman by the name of Sherri as it relates to
15 the distribution of methamphetamine, correct?

16 A. Negative. No. Not myself personally.

17 Q. Didn't you testify yesterday -- you were arrested in 1996,
18 were you not?

19 A. Yes, I was.

20 Q. When you -- and your husband got \$100,000 together and
21 bailed you out of jail; isn't that true?

22 A. Correct.

23 Q. When he bailed you out of jail, the two of you took
24 separate cars and eventually went to a motel, correct?

25 COURT REPORTER: Can you slow down just a little bit,

1 please?

2 MR. PITTS: Absolutely.

3 COURT REPORTER: Thank you.

4 BY MR. PITTS:

5 Q. When he bailed you out of jail, the two of you took
6 separate cars and eventually went to a motel, correct?

7 A. No.

8 Q. I'm going to get to the -- the two of you went to a motel,
9 did you not?

10 A. We took two different vehicles --

11 Q. There?

12 A. -- to --

13 Q. A motel, correct?

14 THE COURT: No. Mr. Pitts.

15 THE WITNESS: No. To the airport.

16 THE COURT: You need to be careful to allow the
17 witness --

18 MR. PITTS: Absolutely.

19 THE COURT: -- to complete an answer before you begin
20 another one.

21 MR. PITTS: Absolutely.

22 THE COURT: Thank you.

23 BY MR. PITTS:

24 Q. Did you eventually meet in a motel, ma'am?

25 A. Yes.

1 Q. When you were --

2 A. No. We went to my house.

3 Q. Didn't you testify yesterday that after being bailed out,
4 maybe that day, or the next day, you met somebody named Hombre
5 and Sherri at a motel?

6 A. No. It was Jungle Man.

7 Q. Jungle Man. Jungle Man and Sherri, correct?

8 A. Right. We went to two different -- we had two different
9 vehicles, and we went to the airport in two different vehicles.

10 Q. Thank you, ma'am.

11 But, and Sherri was one of the individuals who was --
12 who you dealt with as it relates to the supply of
13 methamphetamine, correct?

14 A. That I never seen. My husband picked her up.

15 Q. Okay. Weren't you all in the motel together?

16 A. Negative. No.

17 Q. You were not? But you do know, based upon your dealings
18 with your husband, that an individual by Sherri was involved in
19 the trafficking of methamphetamine with your family enterprise,
20 correct?

21 A. Yes.

22 Q. Whether or not you met her or not, you knew there was a
23 Sherri, correct?

24 A. Yes.

25 Q. And although you didn't meet her, would you know her by the

1 name of -- did you know her name was -- would you accept the
2 fact that her name was Sherri Knowles, was the individual who
3 your husband -- who helped to facilitate the selling of
4 methamphetamine?

5 A. I don't know that name.

6 Q. Okay. To the best of your knowledge, Sherri is not an old
7 lady, correct?

8 A. Not to my knowledge, no.

9 Q. She's not affiliated with the Devils Diciples Motorcycle
10 Club, is she?

11 A. Not to my knowledge.

12 Q. Isn't it true also, ma'am, that an individual by the name
13 of Frank Sikovich helped to supply meth to you and your husband
14 for distribution?

15 A. That name doesn't -- no.

16 Q. That doesn't ring a bell?

17 A. No.

18 Q. Ma'am, who is Ricky Robinson? Ricky Robinson was somebody
19 who was involved -- strike that.

20 Ricky Robinson was an individual who was involved in
21 the distribution of methamphetamine with you and your husband's
22 criminal enterprise, correct?

23 A. Yeah, because -- yes. I believe so.

24 Q. Okay. Ricky Robinson is not a member of the DDMC, is he?

25 A. No.

1 Q. Okay. So, I guess what I'm getting to, is that you dealt,
2 in regards to furthering the criminal enterprise of selling
3 methamphetamine that you and your husband were involved in, you
4 dealt with several people who were not affiliated with the
5 Devils Diciples Motorcycle Club, correct?

6 A. Yes.

7 Q. From the years, you testified yesterday, starting in 1996,
8 you, to use a vernacular, caught a case, correct? Were charged
9 with a crime, correct?

10 A. Correct.

11 Q. You were in court; fair statement?

12 A. Yes.

13 Q. You fled?

14 A. Yes.

15 Q. Fled with the help of your husband, correct?

16 A. Yes.

17 Q. You were on the run for two or three years; isn't that
18 true?

19 A. Yes.

20 Q. And other than the \$15,000 supplied to you by your husband
21 to help in your absconding, you didn't have any other source of
22 money, did you?

23 A. No.

24 Q. And in the process of your fleeing the, fleeing the
25 Government, fleeing the court system, you originally, did you

1 say you went to Alabama, ma'am?

2 A. I started to go there. I don't think I actually went
3 there.

4 Q. Okay. Eventually, you went to, eventually you went to
5 California?

6 A. Yes.

7 Q. And when you were in California, you've testified that
8 Johnnie Rotten helped you, correct?

9 A. Yes.

10 Q. You were looking for help from people affiliated with the
11 Devils Diciples Motorcycle Club; isn't that true?

12 A. Yes.

13 Q. Vincent Witort didn't help you, did he?

14 A. Yes, he did.

15 Q. Vincent Witort put you up?

16 A. No.

17 Q. And you needed a place to stay, didn't you?

18 A. I guess, yeah.

19 Q. Okay. Johnnie Rotten provided you with a place to stay,
20 but Mr. Witort did not provide you with a place to stay, did
21 he?

22 A. No.

23 Q. And that was a period of time in your life where you
24 needed, you needed help from as many people as you -- as who
25 you could get it from, correct?

1 A. Right.

2 Q. In the course of the family enterprise, the Casey family
3 enterprise of selling methamphetamine, one of your roles was to
4 go back and forth to California, correct?

5 A. Correct.

6 Q. And sometimes, you would go by Rent-a-Car; isn't that true?
7 Strike that.

8 Sometimes you would go by car, correct?

9 A. Yes.

10 Q. Was that your vehicle or was it a Rent-a-Car?

11 A. It wasn't a Rent-a-Car; it was our vehicle.

12 Q. Okay. No problem. That's fair.

13 And sometimes you would fly out there, correct?

14 A. Yes.

15 Q. And since you've been cooperating with the Federal
16 Government, did you supply them with the names of the airline
17 that you took in going out to California?

18 A. That was all established in Fairfield County.

19 Q. Okay. But my question to you is not as it relates to
20 Fairfield County, but the Federal Government, did you tell the
21 Federal Government the names, the name or names of the airlines
22 you used to travel to California?

23 A. I'm sure the information is available to them.

24 Q. Very good.

25 MR. PITTS: Objection. Could you instruct the witness

1 to answer my question?

2 THE COURT: I don't think that's necessary objection.

3 MR. PITTS: Okay.

4 BY MR. PITTS:

5 Q. It's a fair statement to make, while you might have
6 provided information to other sources, you never provided
7 information to the Federal Government about the airlines that
8 you took to travel out to California, correct?

9 A. It was unnecessary to do so.

10 Q. You've indicated that you stayed -- isn't it true that
11 sometimes you would stay at a motel or a place, a facility,
12 motel or a hotel with suites when you were in California?

13 A. Yes.

14 Q. Did you provide the name of that establishment to the
15 Federal Government?

16 A. No.

17 Q. You've indicated that you utilized United Parcel Service or
18 Federal Express in terms of transferring methamphetamine to and
19 from California, correct?

20 A. Yes.

21 Q. Did you provide receipts of any of those UPS transfers to
22 the Federal Government, ma'am? Did you?

23 A. No.

24 Q. It's a true statement, ma'am, that Mr. Vincent Witort --
25 you know him as Holiday, correct?

1 A. Correct.

2 Q. Okay. To the best of your memory, he lived at 19009 Santa
3 Ana, Bloomington, California; isn't that true?

4 A. That sounds correct.

5 Q. Sounds about right?

6 A. It's been many years.

7 Q. Okay. In the mid '90s, 1994 to 1995, did you ever live in
8 California?

9 A. We stayed there for a couple months.

10 Q. Okay. And by "there," let's be specific. By "there," we
11 mean in California, correct?

12 A. Yes.

13 Q. And didn't you live with Mr. Witort?

14 A. For, for a period of time, yes.

15 Q. Okay.

16 MR. PITTS: With the Court's permission?

17 (Brief pause.)

18 BY MR. PITTS:

19 Q. Ma'am, you know the name Dennis Carey, do you not?

20 A. That --

21 Q. Dennis Cary is a deputy sheriff with the Fairfield County
22 Sheriff's Department, do you remember that?

23 A. Yes.

24 Q. Okay. And you were in -- and you wrote several letters to
25 Deputy Sheriff Carey, did you not?

1 A. Yes.

2 Q. In fact, you wanted him to help you get your time reduced
3 as it relates to the sentence you were facing in Fairfield
4 County, Ohio, correct?

5 A. Yes.

6 Q. And you indicated in -- what I'm saying is that you have --
7 you asked him to do what he could to get you less time,
8 correct?

9 A. Yes.

10 Q. And it's a fair statement to make that, ma'am, in terms of
11 benefitting yourself, in the past, you've been willing to work
12 with law enforcement, haven't you?

13 A. (No response.)

14 Q. Isn't that true, ma'am?

15 A. (No response.)

16 Q. Yes or no?

17 A. Yes.

18 MR. PITTS: Nothing further. Thank you.

19 THE COURT: Other examination?

20 MR. SABBOTA: Thanks.

21 THE COURT: Mr. Sabbota?

22 MR. SABBOTA: Thank you, your Honor.

23 THE COURT: Go ahead.

24 CROSS-EXAMINATION

25 BY MR. SABBOTA:

1 Q. Good morning, Ms. Casey.

2 A. Good morning.

3 Q. You told us yesterday that when you were 13 years old, I
4 guess you lived next door to the clubhouse of the Devils
5 Diciples?

6 A. Yes.

7 Q. And I guess you became enamored with a person by the name
8 of Bugs?

9 A. Yes.

10 Q. And you began a relationship with Bugs?

11 A. Yes.

12 Q. Now, this is a relationship which you began, which wasn't
13 forced?

14 A. Fair enough.

15 Q. Fair enough? Well, you wanted to have a relationship with
16 him, didn't you?

17 A. I was 13.

18 Q. I understand that. And you moved in with him when you were
19 17; am I right?

20 A. Yes.

21 Q. In fact, your mother gave you a choice, didn't she?

22 A. Yes, she did.

23 Q. She said I want you to go to school. Am I right or wrong?

24 A. Yeah.

25 Q. Go to school, stay with me; am I right?

1 A. Yeah.

2 Q. You chose voluntarily to move in with a guy by the name of
3 Bugs?

4 A. Yes.

5 Q. Okay. And eventually you became I guess what they call his
6 old lady; am I right?

7 A. Yes.

8 Q. And this was something you wanted, yes?

9 A. Yeah.

10 Q. You wanted to have the patch that said you were the old
11 lady of Bugs?

12 A. Yes.

13 Q. And you were 17 or 18 when that happened?

14 A. Yes.

15 Q. And you claim or you tell us that Fat Dog is the one that
16 presented your patch?

17 A. Yes.

18 Q. Okay. This was in the clubhouse in Ohio?

19 A. Yes, it was.

20 Q. Okay. And you voluntarily took the patch?

21 A. Yes, I did.

22 Q. You put it on and you wore it proudly. Yes?

23 A. Yes.

24 Q. Because you were going to participate with Mr. Casey as to
25 any endeavor that he wanted you to participate in; am I right?

1 A. Yes.

2 Q. That might have been a terrible question.

3 You were going to do whatever your husband wanted you
4 to do?

5 A. Yeah.

6 Q. Fair statement?

7 A. Yes.

8 Q. Okay. And you were happy. In fact, I guess there was a
9 birthday party, and at the party, you're saying that Fat Dog,
10 or Mr. Smith, put a pie in your face. And that was a joke?

11 A. Yes.

12 Q. I mean, that's fun? That's how some people celebrate their
13 birthday, yes?

14 A. Yes.

15 Q. That's how some people celebrate their wedding, they put
16 cake in their face, yes?

17 And initially, I guess you were living in the
18 clubhouse?

19 A. Yes.

20 Q. Okay. But you wanted to better yourselves; am I right?

21 A. Yeah.

22 Q. And so the way you did that was you became involved in
23 selling cocaine?

24 A. Yes.

25 Q. Okay. And you sold a lot of cocaine, keys of cocaine,

1 | didn't you?

2 | A. I don't know.

3 | Q. Okay. How many pounds of cocaine did you sell in 1990?

4 | A. In '90? I don't know.

5 | Q. How many in 1991?

6 | A. I don't know that either. No. '91? I was not doing
7 | nothing.

8 | Q. Okay. How about in '89?

9 | A. '89, I don't know.

10 | Q. How about in '88?

11 | A. Don't know that either.

12 | Q. How about in '87?

13 | A. I was 17 in '87.

14 | Q. All right. But the day-to-day business was a coke
15 | business, wasn't it?

16 | A. Yes.

17 | Q. In fact, the coke business allowed you and your husband,
18 | you told us yesterday, to buy yourselves a house?

19 | A. To move into a house.

20 | Q. I'm sorry. To move into a house?

21 | A. Yes.

22 | Q. So the proceeds from that business allowed you to move into
23 | a house, pay rent?

24 | A. Right.

25 | Q. Buy whatever you wanted to buy, yes?

1 A. Right.

2 Q. And you knew this was an illegal business, yes?

3 A. Right.

4 Q. I mean, you were well aware that you don't sell cocaine.

5 That would be a crime. Am I right?

6 A. Right.

7 Q. All right. And you really can't tell us over the years how

8 much cocaine you, you distributed, can you?

9 A. No, I can't.

10 Q. And you've never been prosecuted for any kind of cocaine

11 sales, have you?

12 A. No.

13 Q. And you told the Government all about your cocaine sales,

14 didn't you? The Government, these people sitting here at the

15 table.

16 A. Yes.

17 Q. You told the people in, I guess, Fairfield County all about

18 the cocaine, didn't you?

19 A. Yes.

20 Q. Nobody ever prosecuted you for selling cocaine?

21 A. No.

22 Q. That was like a pass?

23 A. Yeah. It was in '88.

24 Q. In '88. But it was a pass, yes?

25 A. Yes.

1 Q. And then I guess you become in the business of selling
2 meth. But before we get to that, the cocaine sales themselves
3 that you and I guess Mr. Casey engaged in? Yes?

4 A. Okay.

5 Q. Okay. The selling, the money went to you and your husband?

6 A. Correct.

7 Q. That was his money?

8 A. Correct.

9 Q. He didn't share his money, did he?

10 A. (No response.)

11 Q. I mean, he had -- if he sold me a rock of cocaine, he would
12 keep the money?

13 A. Yes.

14 Q. If he sold me a pound of cocaine, he would keep the money?

15 A. Yes.

16 Q. If he sold me a kilo of cocaine, that was his money?

17 A. Yes.

18 Q. It wasn't anybody else's money?

19 A. No.

20 Q. And then what happens is I guess he becomes in this --
21 involved in the sale of methamphetamine; am I right?

22 A. Right.

23 Q. And when he becomes involved in the sale of
24 methamphetamine, that's really cheaper than cocaine, isn't it?

25 A. Yes, it is.

1 Q. It's a bigger profit margin for you, isn't it?

2 A. Yes.

3 Q. It's a better business?

4 A. Yes.

5 Q. Okay. And that business, again, was your business with his
6 business; am I right?

7 A. (No response.)

8 Q. In other words, when he sold his meth, that's his money,
9 isn't it?

10 A. Yes.

11 Q. Okay. That's what -- that's his earnings?

12 A. Yes.

13 Q. Yes? That's the way he made a living?

14 A. Yes.

15 Q. How much meth do you think he has sold?

16 A. Lots.

17 Q. Lots?

18 A. Don't know.

19 Q. Enough to fill up the room?

20 A. That's exaggerating a little bit, I would think.

21 Q. It's a big room.

22 A. Yeah.

23 Q. Half the size of the room?

24 A. Again, it's a big size.

25 Q. Big size that he sold.

1 A. Yeah.

2 Q. Yes?

3 A. It's not that big, though.

4 Q. Well, would you say he sold pounds of meth?

5 A. Probably, yes, over the years.

6 Q. Okay. Would you say he sold kilos of meth, over the years,
7 if you added it all up?

8 A. Yes.

9 Q. Large amounts of meth?

10 A. Yes.

11 Q. And he would sell meth to whenever he could sell meth?

12 A. Yes.

13 Q. And he would sell meth to people that were Devils Diciples?

14 A. Yes.

15 Q. He would sell meth to people that were not Devils Diciples?

16 THE COURT: We have that information, that line of
17 questioning. Next topic?

18 BY MR. SABBOTA:

19 Q. Now, my understanding is that you claim that you gave Fat
20 Dog meth.

21 A. No, not me directly. I used to weigh it out.

22 Q. You never saw anybody give Fat Dog meth, did you?

23 A. There's been a couple occasions.

24 Q. Did you see your husband give him meth?

25 A. A couple occasions.

1 Q. Okay. Tell me when.

2 A. When he came to Rushville, Ohio, in the garage.

3 Q. Tell me the date.

4 A. I can't do that.

5 Q. Tell me the day.

6 A. I don't remember that either.

7 Q. Tell me who was present.

8 A. Fat Dog and Little Dog, and I think it was Magoo.

9 Q. Okay. How many times did you see Fat Dog take meth from
10 your husband?

11 A. Probably once or twice.

12 Q. Probably it was once or twice?

13 A. Yes.

14 Q. And Fat Dog paid your husband, didn't he?

15 A. That, I don't know.

16 Q. Okay. Subsequent to being arrested -- before we get to
17 that, you told us yesterday you used to buy a lot of Sudafed?

18 A. Yes.

19 Q. And you did so under a company, Trial & True Antiques?
20 Some kind of company in Maine that you used as their vendor
21 name?

22 A. No.

23 Q. Well, would you buy Sudafed under an alias?

24 A. No. My husband did. You're thinking -- you're not
25 thinking -- no, I didn't.

1 Q. Your husband bought it, or the alias?

2 A. They knew me, they knew me at D & R Wholesale as who I was.

3 Q. All right. Was there an alias company that was used?

4 A. If my husband did, I don't -- Tried & True Antiques is a,
5 is a motorcycle repair shop.

6 Q. All right. You, you have used various aliases, haven't
7 you?

8 A. Yes, I have.

9 Q. Okay. You used Catherine Kerns?

10 A. Yes, I have.

11 Q. You've used Ms. Evans, Mercury Evans? Did you ever use
12 that name?

13 A. No.

14 Q. Rhonda Stahlin (ph)?

15 A. No. There was a package in her name.

16 Q. Did the package in her name, did you create that package?

17 A. Yes, I did.

18 Q. All right. So you created that package in her name so the
19 package wouldn't come back to you?

20 A. No. It was with her knowledge.

21 Q. All right. But you didn't put your name on the package?

22 A. No.

23 Q. Okay. And the reason you didn't want to put your name on
24 the package is because you wanted to conceal your identity,
25 didn't you?

1 A. I wouldn't exactly say that. But --

2 Q. When you took airplane tickets, did you conceal your
3 identity?

4 A. Sometimes.

5 Q. Did you do that to disguise who you were?

6 A. So I wouldn't use my -- yes.

7 Q. Yeah. And the reason you wanted to disguise who you were,
8 because you wanted to deceive law enforcement; isn't that
9 right?

10 A. Yes.

11 Q. You wanted to fool them?

12 A. Yes.

13 Q. You wanted to trick them? Right? Not want to get caught?
14 Am I right or wrong?

15 A. Right.

16 Q. Now, you told us today that you sat down with the State
17 when you got arrested, didn't you?

18 A. Right.

19 Q. And you told us today that the State talked to you about
20 Federal charges?

21 A. Yes.

22 Q. Did you have a lawyer at the time?

23 A. Yes.

24 Q. And so the lawyer also explained to you the nature of
25 Federal charges, didn't he?

1 A. I don't, I don't recall.

2 Q. Okay. But you didn't want to face the Federal charges; am
3 I right?

4 A. It was out of my control at that time.

5 Q. Well, the state told you, you needed to cooperate, didn't
6 they?

7 A. Yes.

8 Q. And by needing to cooperate, you had to provide them
9 information in order to get the benefit of not having Federal
10 charges, didn't you?

11 A. No. That was never in the agreement.

12 Q. There was never any agreement?

13 A. No.

14 Q. You've never been prosecuted federally for anything, have
15 you?

16 A. No.

17 Q. And you've never been charged with any meth crime federally
18 either, have you?

19 A. No.

20 Q. Yesterday, the Government showed you a series of
21 photographs that were on the wall. Do you remember those
22 photographs?

23 A. Yes, I remember.

24 Q. You identified various people in those photographs?

25 A. Yes.

1 Q. Can you tell me where those photographs were taken?

2 A. No.

3 Q. Can you tell me under what circumstances those photographs
4 were taken?

5 A. No.

6 Q. And you can't tell me where or when, can you?

7 A. No.

8 Q. All you can tell me is those are the various people that
9 you've identified in the photograph?

10 A. Correct.

11 Q. But you're telling us today that the business that you and
12 your husband had, was a business that basically was for you and
13 him to make money?

14 A. Well, yeah.

15 Q. Nobody else. Am I right?

16 A. No. He did give money away, quite a bit of money.

17 Q. Everybody gives money away. But the drugs that he sold
18 were for you and him, weren't they?

19 A. Yeah.

20 MR. SABBOTA: Could I just have a minute, Judge?

21 THE COURT: Yes, sir.

22 (Brief pause.)

23 BY MR. SABBOTA:

24 Q. Being a member of the Devils Diciples, or old lady as to
25 Bugs, did you go to various parties that were for the benefit

1 of people?

2 A. Yes.

3 Q. Do you remember going to the Port Huron run?

4 A. We've been to a lot of runs.

5 Q. Okay.

6 MR. SABBOTA: May I approach the witness a moment to
7 show her something, your Honor?

8 THE COURT: Do you want to share that with Counsel?

9 MR. SABBOTA: I believe the Government has already
10 seen it?

11 MS. MOHSIN: Yes. Thank you.

12 BY MR. SABBOTA:

13 Q. Do you recall --

14 THE COURT: You could, you could -- well, go ahead.
15 Go ahead.

16 MR. SABBOTA: Is it all right?

17 THE COURT: Yeah. Go ahead.

18 BY MR. SABBOTA:

19 Q. Do you recall being a part of this run for the benefit of
20 diabetes?

21 A. No.

22 MR. SABBOTA: No further questions, your Honor.

23 THE COURT: Any further cross-examination? Mr.
24 Kraizman?

25 MR. KRAIZMAN: Yes.

1 CROSS-EXAMINATION

2 BY MR. KRAIZMAN:

3 Q. Ms. Casey, I'm Sidney Kraizman and I am the attorney for
4 Mr. Patrick McKeoun.

5 Ms. Casey, as I understand from your testimony
6 yesterday, your husband hired Mr. McKeoun to cook meth for him;
7 am I correct about that?

8 A. I don't know if "hire" would be the term we used.

9 Q. In any event, he contracted with Mr. McKeoun to cook meth
10 in that burned, partly burned-out house that was on the
11 property; am I right about that?

12 A. I don't know their agreements.

13 Q. Okay. All right. But you do know that what Mr. McKeoun
14 produced was "no good"; am I correct?

15 A. As far as my knowledge, yes.

16 Q. Did it occur to you that Mr. McKeoun was scamming your
17 husband?

18 A. Yeah. Actually, it did.

19 Q. Was there a point in time when Mr. McKeoun, during a
20 cross-country trip, took your husband's motorcycle and he sold
21 it to someone else?

22 A. No.

23 Q. Isn't it true that Mr., that Mr. McKeoun did something that
24 caused your family to suffer a substantial financial loss?

25 A. I don't know what that would be.

1 Q. Okay. Perhaps I can refresh your memory.

2 This is the transcript of your statement that you gave
3 to Captain Dennis Carley. You remember Captain Carley; am I
4 right?

5 A. Yes.

6 Q. And this is on June 4. And it's at page -- on that
7 particular statement, it's page 60. I'm sorry. That page
8 number is incorrect. It's page 108.

9 (Brief pause.)

10 MR. KRAIZMAN: May I approach the witness, Judge?

11 THE COURT: Yes.

12 MR. KRAIZMAN: Okay.

13 BY MR. KRAIZMAN:

14 Q. I would direct your attention, Ms. Casey, what I've
15 highlighted. It's the bottom of page 108 and 109. Would you
16 please read that?

17 A. The whole thing or just what you highlighted?

18 Q. Well, let me take a look at what I just gave you.

19 May I take back one of those? Just the highlighted
20 portion, please. Do you recall that now?

21 THE COURT: Give her a chance to read it.

22 MR. KRAIZMAN: Yes.

23 THE WITNESS: Magoo -- Bugs's -- lost Bugs's respect
24 in more ways --

25 THE COURT: Hang on. The lawyer is not asking you to

1 read it out loud. He's asking you to read the highlighted
2 material to determine if, having read it, your memory now is
3 refreshed about whatever it is that he's asking you. That's,
4 that's the concept here. So just read that material, and then
5 he'll ask you another question. Okay?

6 BY MR. KRAIZMAN:

7 Q. Okay, you read it. Am I correct?

8 A. Yes.

9 Q. Did you tell Captain Carley that, "Magoo put us in debt; it
10 was quite a bit of money?"

11 THE COURT: The question, actually, Mr. Kraizman --

12 MR. KRAIZMAN: Yes.

13 THE COURT: -- I think would be whether the witness's
14 memory now is refreshed as to that purported incident.

15 MR. KRAIZMAN: Thank you.

16 THE COURT: Right?

17 MR. KRAIZMAN: Yes. You're right.

18 THE COURT: Okay. Go ahead.

19 BY MR. KRAIZMAN:

20 Q. Okay, Ms. Casey, does that refresh your memory?

21 A. Somewhat, yes.

22 Q. Okay.

23 THE COURT: And then you would have a substantive
24 question to follow-up, right?

25 MR. KRAIZMAN: Yes.

1 THE COURT: So what's the substantive question?

2 BY MR. KRAIZMAN:

3 Q. Do you remember now that Magoo put you and your husband in
4 debt because he sold some property of Bugs' on the way back
5 from a trip?

6 A. I don't remember what the property was.

7 Q. Okay. But you remember that he, that he, that he put you
8 and your husband in debt by selling some kind of property?

9 A. I remember that Bugs was not happy with Magoo, yes.

10 Q. Okay. I'll take that back now, please.

11 It was a loss of quite a lot of money; am I correct?

12 A. I would imagine so.

13 Q. Okay. You testified that there were two Western Union
14 transfers of money to Magoo; am I correct about that?

15 A. There was quite a few.

16 Q. Well, specifically I'm talking about Magoo. Didn't you say
17 that there were two to Magoo that were Western Union transfers
18 of money?

19 A. I can remember a couple, but there's -- there was a lot of
20 Western Union transfers. A lot.

21 Q. I just want to talk about Magoo. You didn't happen to keep
22 any record of the paperwork on the Western Union transfers to
23 Magoo, did you?

24 A. I kept all paperwork.

25 Q. Did you give it to the Government?

1 A. No. The Government seized it.

2 Q. So you're telling me that the Government has possession of
3 what you think are, are Western Union records as to two
4 transfers of money by Magoo?

5 A. The State has, yes.

6 Q. What was the date of those transfers?

7 A. I have no idea.

8 Q. Can you tell me the year?

9 A. It was probably '95, '96.

10 Q. Which Western Union was it?

11 A. Well, the Western Union I always used was out of a Kroger
12 in Lancaster.

13 Q. It's in Lancaster. And what did you say it was?

14 A. At a Kroger.

15 Q. Do you remember the particular Kroger?

16 A. There was only two in Lancaster.

17 Q. You testified that you were addicted to methamphetamine,
18 and that at one point, you were awake for 15 days straight?

19 A. I don't remember --

20 Q. Is that true?

21 A. I don't remember saying 15 days, sir.

22 Q. How many days do you remember saying on direct examination
23 yesterday, by Ms. Mohsin?

24 A. Probably 10 or 11. I don't remember, recall saying 15.

25 Q. Okay. And what you remember of those 15 days being -- 11

1 days being awake, what effect did that have on your mind?

2 A. Well, it has a lot of effect on your mind.

3 Q. Go ahead.

4 A. You see things. I mean, there's a lot that happens.

5 Q. Okay. So you see things, hallucinating; am I correct about
6 that?

7 A. Yes.

8 Q. You suffered from a serious mental disorder?

9 A. From a serious mental disorder?

10 Q. Yes.

11 A. Yes. I have PTSD.

12 Q. That's posttraumatic stress disorder?

13 A. Yes.

14 Q. You took lithium over there at the county jail in Ohio in
15 1990; am I correct about that?

16 A. In 1990?

17 Q. I'm sorry. 1999.

18 A. Yes.

19 Q. Okay. And what condition was that for?

20 A. I believe that was for bipolar.

21 Q. So you've got PTSD, which is posttraumatic stress syndrome.
22 Bipolar. Have you also been diagnosed as having schizophrenia?

23 A. That's news to me, but.

24 Q. I'm just asking you. I'm not saying it's true. It's a
25 question.

1 A. No.

2 Q. Okay. In 1993, in Lancaster, Ohio, were you convicted of
3 the offense of presenting false identification to a police
4 officer, namely, trying to pretend that you were your sister
5 during an investigation by handing him your sister's
6 identification and claiming to be her?

7 A. I had a driver's license in my sister's name.

8 Q. Okay. And you presented that to a police officer claiming
9 to be your sister; am I correct?

10 A. Yes.

11 Q. And that was the basis for that conviction of presenting
12 false identification to a police officer; am I correct about
13 that?

14 A. I don't believe there was a conviction.

15 Q. Okay.

16 MR. KRAIZMAN: I have provided the Government with the
17 copy of that record of conviction.

18 Ms. Mohsin, will you stipulate to that?

19 (Brief pause.)

20 MS. MOHSIN: I will not.

21 MR. KRAIZMAN: Very well.

22 THE COURT: Any other questions then?

23 MR. KRAIZMAN: I do have just a couple more questions.

24 (Brief pause.)

25 BY MR. KRAIZMAN:

1 Q. Ms. Casey, on direct examination, you testified that on
2 your most recent conviction, that you were going to get 20
3 percent off of the time for good time.

4 A. Correct.

5 Q. Is it true that while you've been incarcerated in the
6 Kansas correctional facility that you had approximately 12
7 violations of their disciplinary rules, including dangerous
8 contraband, less dangerous contraband, lying, theft, misusing
9 meds, others also?

10 A. Yeah.

11 MR. KRAIZMAN: I have no further questions.

12 THE COURT: Any others? Seeing none. Any redirect
13 examination?

14 MS. MOHSIN: Yes, your Honor.

15 REDIRECT EXAMINATION

16 BY MS. MOHSIN:

17 Q. Good morning, Ms. Casey.

18 A. Good morning.

19 Q. Ms. Casey, you testified yesterday that you were 13 when
20 you met Bugs and became affiliated with the Devils Diciples
21 club. How old was Charles Casey when you met him?

22 A. Thirty-three.

23 Q. And how old was he when you married him?

24 A. Forty.

25 Q. Was this an equal partnership, this relationship?

1 A. No.

2 Q. Did he give you the proceeds from whatever drug activity he
3 was involved in?

4 A. No.

5 Q. Did he open up a bank account in your name?

6 A. No.

7 Q. Did he deposit money in your name for your share of the
8 proceeds of whatever activity he was involved in?

9 A. No.

10 Q. Did he tell you where he kept the proceeds of the money
11 from the drug trafficking activity that you participated in?

12 A. No.

13 Q. Did you ask for money from him any time you needed it?

14 A. When I had to. When I, when I needed it, yes.

15 Q. So what type of a financial relationship did you have with
16 your husband? In other words, was he paying the bills?

17 A. Yes.

18 Q. Was he providing food and shelter?

19 A. Yes.

20 Q. Was he giving you spending money to go and take care of
21 things that you needed to buy?

22 A. As far as the house, yes.

23 Q. Was he sharing in the proceeds of whatever drug activity he
24 had in any other way?

25 A. Yeah. He, he used to send money out.

1 Q. And who would he send it to?

2 A. I guess to pay -- to Fat Dog.

3 Q. How do you know that?

4 A. Because it would be me that would send the money.

5 Q. And how would you send that money out?

6 A. Western Union.

7 Q. And how often did you do that?

8 A. Quite a bit.

9 Q. Was it close in time to when a drug trafficking event would
10 occur?

11 A. Yes, always.

12 Q. How close in time? What's your definition of "close in
13 time"? Hours? Days? Weeks?

14 A. Within days.

15 Q. And did you act at the direction of your husband, Charles
16 Casey?

17 A. Yes, I did.

18 Q. Did you ever do something without his permission or
19 knowledge?

20 A. No, I do not.

21 Q. Did you ever do something that you were not supposed to do
22 and get in trouble for it?

23 A. Yeah.

24 Q. Can you give the jury some examples of what would happen if
25 you were to act on your own?

1 A. I would get the tar knocked out of me. He would beat me
2 up.

3 Q. How severe were the beatings? Can you give the jury a
4 sense of the injuries that you suffered?

5 A. Yeah. I can remember on one occasion I didn't go out of my
6 house for two weeks.

7 Q. And what was the reason for that?

8 A. Because I had black eyes.

9 Q. And did he ever break any bones?

10 A. No.

11 Q. Did he ever do any other internal damage to your body?

12 A. No. Besides my, beat me around my head, no.

13 Q. How often would you say that you had been beaten by him?

14 A. Several.

15 Q. Were you afraid of him?

16 A. Yes.

17 Q. I want to direct your attention now to some of the other
18 things that were brought up during your direct examination.

19 You testified before a federal grand jury in 2012,
20 correct?

21 A. Correct.

22 Q. Were you -- do you recall being advised that if a truthful
23 answer were to incriminate you, that you had an absolute right
24 not to answer that question?

25 A. Yes.

1 Q. And were you also told that if you were to make a false
2 statement or knowingly lie to the grand jury, that you could
3 subject yourself to additional criminal charges?

4 A. Yes. I remember that.

5 Q. And do you recall being told that your testimony could be
6 used against you in any such prosecution?

7 A. (No response.)

8 Q. For lying and false statements?

9 A. Oh, yes.

10 Q. Now, you testified earlier that you served time for the
11 drug trafficking activity that you were involved in with your
12 husband as it relates to the methamphetamine; is that right?

13 A. Yes.

14 Q. And you also testified that you cooperated with law
15 enforcement; is that right?

16 A. Yes.

17 Q. When did all of that occur, the cooperation?

18 A. When I was, when I -- the second time I was caught, when I
19 was caught in Kansas and brought back from Kansas to Ohio.

20 Q. So that would have been after you had been a fugitive for a
21 few years?

22 A. A couple, yes.

23 Q. And when you were interviewed at that time, did they make
24 recorded interviews of what you had said?

25 A. Yes, they did.

1 Q. Now, do you know, have you ever heard those interviews
2 since you -- since you made those recordings?

3 A. No.

4 Q. Do you know if they were ever transcribed?

5 A. No, I don't.

6 Q. Have you ever been shown any transcripts of what you said
7 in the past?

8 A. That gentleman just showed me.

9 Q. Okay. Other than that, has anyone ever shown you any
10 transcript or report about statements you made in the 1990s, in
11 1998, about the events that occurred?

12 A. No.

13 Q. No one has shown them to you?

14 A. No.

15 Q. You testified before a grand jury. Do you know if a
16 transcript was made?

17 A. No, I don't.

18 Q. Have you ever seen a transcript?

19 A. No.

20 Q. Has anyone ever shown it to you?

21 A. No.

22 Q. So prior to coming here and testifying both yesterday and
23 today, what type of preparation did you have?

24 A. I met with you one time.

25 Q. And for how long?

1 A. I don't recall. It wasn't long.

2 Q. What's your definition of "not long"? A couple hours?
3 Couple days?

4 A. It was about couple hours.

5 Q. All right. And did you meet with me before the grand jury
6 in 2012?

7 A. Shortly. Briefly.

8 Q. How long?

9 A. About an hour. It wasn't long then either.

10 Q. And what instructions were you given about what was
11 expected from you, both in the grand jury and here in the
12 courtroom?

13 A. To tell the truth.

14 Q. Okay. And did anybody tell you anything different?

15 A. No.

16 Q. Did any promise of any kind -- was any promise of any kind
17 made to you about whether you were going to be prosecuted,
18 whether you weren't going to be prosecuted, or anything along
19 those lines?

20 A. No.

21 Q. Did you expect to get charged federally?

22 A. No.

23 Q. Did you get a promise that you would get some sort of other
24 leniency?

25 A. No.

1 Q. Now, you testified that when you were a fugitive, you were
2 looking for help from the Devils Diciples; is that right?

3 A. Yes.

4 Q. And that after you fled, you went to California, to
5 Holiday, correct?

6 A. Yes.

7 Q. What kind of help were you looking for, from Holiday?

8 A. From what my old man -- I did what my old man told me to.

9 Q. What did he tell you to do?

10 A. To go there and get dope and bring it back to sell it.

11 Q. And why did he want you to sell it?

12 A. Because money was getting funny. We was getting low on
13 funds.

14 Q. Okay. So were you acting at the direction of your husband
15 when you went to see Holiday?

16 A. Yes.

17 Q. Now, one of the attorneys asked you about an arrest that
18 occurred in 1993. How old were you in 1993?

19 A. Twenty-three.

20 Q. And you indicated that that was not a conviction; is that
21 right?

22 A. Correct.

23 Q. Isn't that because those charges were dismissed by the
24 State?

25 A. Yes.

1 Q. Okay. So you were never -- you were charged but you were
2 never convicted of that offense, correct?

3 A. Right.

4 Q. And I want to talk to you about PTSD. When were you
5 diagnosed with PTSD?

6 A. '80 -- scratch that. I'm sorry. '90s. '98 I think.

7 Q. And what symptoms did you have of PTSD that led you to --
8 that led to that diagnosis?

9 A. Being around my husband.

10 Q. When you say "being around your husband," can you be a
11 little more descriptive and specific?

12 A. From the beatings.

13 Q. So were these frequent beatings around that time?

14 A. He beat me all the time.

15 Q. And so as a result, did you seek medical attention?

16 A. Once.

17 Q. And is that when you were diagnosed with PTSD?

18 A. Yes.

19 Q. Do you still suffer from PTSD?

20 A. Yes, I do.

21 Q. Are you still with your husband? Even though you're
22 married to him, are you together?

23 A. No. We're separated.

24 Q. How long have you been separated?

25 A. Since 1999.

1 Q. Since you were arrested the second time?

2 A. Yes.

3 Q. Would that have been after he had kidnapped your daughter?

4 A. Yes.

5 MS. MOHSIN: Nothing further. Thank you, your Honor.

6 THE COURT: The witness may step down. We're going to
7 take a recess at this point, about 20 minutes, ladies and
8 gentlemen, and you may escort yourselves to the jury rooms and
9 remain there till you're called out.

10 Thank you.

11 (Jury out, 10:27 a.m.)

12 THE COURT: The jury is absent. Be seated, please.

13 I want to give a couple of practice observations. And
14 Mr. Straus, you're going to be showing the video?

15 MR. STRAUS: Yes, your Honor.

16 THE COURT: This is the break in which you're going to
17 the video, then you're going to call the meth expert, right?

18 MR. STRAUS: That's correct. If it's acceptable to
19 defense.

20 THE COURT: That assumes that video that you hadn't
21 earlier shown them.

22 A couple practice pointers. First and foremost, my
23 standard practice is that counsel should not, in the hearing of
24 the jury, seek a stipulation. Things can go off the rails. It
25 could be potentially prejudicial or inject inadmissible

1 evidence or comments. So as a general matter, that should not
2 be done.

3 I invited Mr. Pitts to do that on the basis of a sort
4 of practice exception that I would recognize, and that is where
5 there's something such as a date that's in a transcript or in a
6 police report that's, like, 99.9 percent uncontestable, you
7 know that it's going to be agreed to. So I invited Mr. Pitts
8 to just say, well, what was that? Some phrase in it or some,
9 some phrase in the transcript?

10 MR. PITTS: Whether or not, pursuant to the
11 questioning of Ms. Mohsin, she was a target.

12 THE COURT: Oh, the phrase. Yes, language used, you
13 were not a target of the investigation. Right. So there it is
14 in the transcript. So I think 99 percent likelihood that she's
15 going to say, well, yeah, that's what it says in the
16 transcript. So there's nothing problematic about that.

17 Now, Mr. Kraizman's proposed stipulation in the
18 hearing of the jury is really of a different quality. There
19 was -- I would say that that did not have a 99 percent chance
20 of, of success. Obviously, it was not successful.

21 That sort of seeking of a stipulation still can occur,
22 but it should be done quietly in sort of a whispered manner to
23 opposing counsel, generally speaking, out of the hearing of the
24 jury, are you going to go along with this, would you stipulate
25 to this. If the answer is yes, then proceed. If the answer is

1 no, then you need to do something else. So just, those are
2 just practical comments, observations that may speed things
3 along here or ease the process.

4 We're going to recess now for 20 minutes. You carry
5 on with your video and we'll resume at ten minutes of the hour.
6 Thank you.

7 COURT REPORTER: All rise. Court is in recess.

8 (Recess taken, 10:30 a.m. - 11:02 a.m.)

9 THE CLERK: All rise. Court is back in session.

10 THE COURT: Be seated, please. The jury is being
11 prepared to come out. What's your status, Mr. Straus?

12 MR. STRAUS: Your Honor, we played the video for the
13 defense. I believe they have an objection to relevance. They
14 can correct me if I'm wrong. There appears to be no objections
15 to 403 prejudice issue. And I'll allow defense to make that
16 argument, I suppose.

17 THE COURT: Who speaks to this? Ms. Stout?

18 MS. STOUT: Thank you, your Honor. I did file the
19 motion on behalf of all my co-counsel and myself. Your Honor,
20 our original objection was to this expert as a whole, as to his
21 relevance. If the Court decides his testimony is relevant,
22 then we've come to an agreement on what Power Points can be
23 presented and we have no issues with that.

24 As far as the videos, and going back to the argument
25 as a whole, the reason we call experts is Rule 702. It's very

1 specific. I'm not necessarily challenging this gentleman's
2 experience and training. I'm, I'm not sure that it's really a
3 field of expertise, meth labs. But nonetheless, if the
4 expert's knowledge, one, will help the trier of fact to
5 understand the evidence, or two, to determine a fact in issue.

6 Let me go to number two, first. There's no fact in
7 issue that they were manufacturing meth, because I think the
8 charge is distribution of meth. Am I correct in that?

9 MS. MOHSIN: No.

10 MS. STOUT: There is a manufacture? Okay.

11 But there is no fact in issue that there is meth
12 sales. We heard that from Ms. Casey. It doesn't impart to the
13 guilt or innocence of meth sales how a meth lab is operated.
14 We -- the jury doesn't need to know that any more than they
15 need to know how, how someone shoots up heroin in a heroin
16 case.

17 As far as understanding the evidence, I, I realize
18 that the Government needs to show things that were found in
19 their searches are things that can be used in the production of
20 meth or a meth lab. I certainly understand that. But Agent
21 Fleming testified to that, so it's already out there and it's
22 clear for the jury to put that together.

23 I think it's irrelevant, unnecessary, and furthermore,
24 if it is relevant, 403 prejudice would outweigh it because it's
25 very inciteful to a jury, it's very inflammatory to, to -- meth

1 has got -- it's like we talked about when I put my motion
2 earlier, like the term "Nazi." It just inflames people. And
3 to see the pictures and, and hear about all this methodology in
4 making it is very inflammatory.

5 Thank you.

6 THE COURT: All right. Any brief counterpoint to that
7 from the Government?

8 MR. STRAUS: All examples that were noted in Ms.
9 Stout's motion in terms of to strike items out of the proposed
10 Power Point have been stricken. In terms of the overall
11 presentation of this meth lab expert, your Honor, with the
12 Michigan State Police, it is relevant. The Court has already
13 seen some of the items that have been seized during some of the
14 searches. They are household items. There was an objection to
15 Special Agent Fleming, or there was a request for foundation as
16 to some conclusions he had made as a law enforcement officer.

17 This testimony will assist the jury because they do
18 not have this specific knowledge on how to make meth, in terms
19 of determining whether the items it sees are, in fact, part of
20 an overall scheme to make meth. And so it's highly relevant.
21 It adds understanding.

22 It also, in terms of the video, will also help
23 explain, help the, the witness explain his testimony. It is in
24 the nature of a demonstrative evidence. We can certainly admit
25 it, but I have no objection of it not going back into the jury

1 room, either the Power Point or the video. It's simply used as
2 an aid to assist the expert in explaining the process of making
3 meth.

4 THE COURT: The proffered evidence is relevant. The
5 indictment charges, among other things, conspiracy to
6 manufacture controlled substances, specifically
7 methamphetamine, which is an extraordinarily complex, and I
8 might add, extraordinarily dangerous endeavor. It is not
9 within the common knowledge of the average person.

10 Also, contained in the indictment is a charge of
11 possession of methamphetamine precursors. To know what that
12 amounts to and what the sign, symbols and signs and indicators
13 may be of what constitutes a precursor needs explanation as
14 well. I have no difficulty in assessing that the evidence is
15 relevant and is of a kind that "will help the trier of fact to
16 understand the evidence." There is no doubt that this evidence
17 will assist in that regard.

18 I take it on the Government's good-faith word that the
19 -- that there have been redactions of most, if not all, of the
20 allegedly inflammatory material. It's a pared-down video
21 presentation and will help to assist the expert, or the opinion
22 witnesses's testimony.

23 Let's line the jury up, please, and bring them in.

24 Obviously -- the conclusion is, obviously, the
25 objection is overruled.

1 MS. STOUT: Thank you, your Honor.

2 THE COURT: Thank you.

3 (Jury in, 11:08 a.m.)

4 THE COURT: Okay. Thank you. The jury is assembled.
5 All defendants and counsel are present. And you may be seated,
6 please. And Mr. Straus, you may continue.

7 MR. STRAUS: Yes. Thank you, your Honor.

8 At this time, the United States would call Detective
9 Lieutenant Tony Saucedo for the purposes of Counts 1 and 3 and
10 regarding the RICO conspiracy, meth conspiracy, and the charges
11 relating to the possession with intent to distribute
12 methamphetamine and possession of meth precursors.

13 THE COURT: Very well. This is, this is he?

14 MR. STRAUS: Yes, your Honor.

15 THE COURT: Step forward. Raise your right hand, sir.
16 (Witness is sworn.)

17 TONY SAUCEDO

18 called as a witness at 11:09 a.m., testified as follows:

19 DIRECT EXAMINATION

20 BY MR. STRAUS:

21 Q. Good morning.

22 A. Good morning.

23 Q. Could you state your name and spell your last name for the
24 record, please.

25 A. Tony Saucedo, S-A-U-C-E-D-O.

1 Q. Where are you employed?

2 A. I'm employed with the Michigan State Police.

3 Q. And in what, what position?

4 A. Currently I'm a detective lieutenant. And I'm the unit
5 commander of the Southwest Enforcement Team which is
6 headquartered in Battle Creek, Michigan.

7 Q. And how long have you been employed in that capacity?

8 A. I've been employed, employed with the Michigan State Police
9 for a little over 26 years. And I've been assigned to the
10 Southwest Enforcement Team for about two and a half, three
11 years.

12 Q. All right. And before that, where were you assigned within
13 the Michigan State Police?

14 A. Prior to that assignment, for ten years, I was assigned out
15 of headquarters. And I was in charge of the statewide
16 methamphetamine investigation team for the State of Michigan.

17 Q. Okay. And did you hold some prior positions before that
18 ten-year period?

19 A. Yeah. Prior to that, just like all troopers, you go
20 through recruit school. After recruit school, I was assigned
21 as a regular road trooper at the South Haven post. I was a
22 road trooper for about ten years. And those duties, just like
23 any other police officer, handle complaints, traffic
24 enforcement, things of that nature.

25 I was then assigned as a detective trooper to the

1 Southwest Enforcement Team, west team, where I was an
2 undercover narcotics detective, did that for a year, at which
3 time I was promoted to a desk sergeant position at the Battle
4 Creek post.

5 I was there for a little over two years, and then took
6 a re-assignment to headquarters where I was promoted to the
7 unit commander of the methamphetamine investigation team.

8 Q. Okay. And prior to your employment with the Michigan State
9 Police, did you have any earlier law enforcement experience?

10 A. No, I did not.

11 Q. Okay. And, sir, for the benefit of the jury, could you
12 disclose your formal education?

13 A. High school graduate, some college courses but no degree.
14 And then again, attended the recruit school with the Michigan
15 State Police.

16 Q. Let me direct your attention to the period of your
17 employment that you worked through for ten years. You said the
18 methamphetamine investigation unit?

19 A. Yes.

20 Q. Can you broaden the knowledge of the jury and explain what
21 that entailed in a little more detail?

22 A. Well, it was a new unit that was created within the
23 Department of State Police to handle the increase in
24 methamphetamine labs across the State of Michigan.

25 At first, it was just a five-man team that handled

1 meth lab response across the state, but then the department saw
2 the need for additional officers.

3 When I got into that position, basically it was
4 writing policy in charge of the training for the officers to be
5 able to respond to these types of complaints, for the sole
6 reason is that your typical law enforcement officer can't just
7 get out of his car and handle a meth lab. There's a lot of
8 dangerous things that occur during that process. And so the
9 law enforcement officers that respond to those types of scenes
10 have to have additional training. They are basically trained
11 as a Hazmat tech level to deal and work in a Hazmat environment
12 scene.

13 So I was in charge of training the officers with that,
14 administering grants, not only pay for training, but also pay
15 for overtime for the responders to respond and as well as
16 respond to meth labs statewide.

17 Q. Okay. You used a couple of buzz words there. And can you
18 explain to the jury, what is a Hazmat?

19 A. Hazmat scene is considered where there could be chemicals
20 that could have health effects to you, on a person. It
21 involves wearing specialized equipment to handle that stuff so
22 that you don't get affected by any of the stuff that's on the
23 scene.

24 There are different types of Hazmat scenes. For
25 example, if you see a tanker overturned on the side of the road

1 and it spills a farm, a farm fertilizer called anhydrous
2 ammonia, or a gas tanker, that's considered a Hazmat scene
3 because of that specific chemical that that truck is hauling
4 has large quantities, could have some adverse health effects.
5 So again, a specialized team would go out to handle that type
6 of situation.

7 Q. Okay. And Hazmat, that's just short for hazardous
8 material, correct?

9 A. That is correct.

10 Q. You mentioned the term "grant." Is that -- does that have
11 something to do with the federal government giving the state
12 money to do certain things?

13 A. Yeah. There's a lot of grants out there. We had grants
14 for training, because it is expensive to train these officers
15 to handle these types of scenes, as well as pay for the
16 specialized equipment that's needed while they're responding to
17 those scenes. So we get a lot of those types of Federal grants
18 to help out.

19 Q. And this unit, this methamphetamine investigation unit, how
20 many, how many personnel were in this unit?

21 A. Well, the way it was set up with the State Police, is that
22 we worked hand-in-hand with our local partners. And so once,
23 whether it was a state trooper or a county sheriff's deputy or
24 local PD officer, once they were trained to handle these types
25 of calls whenever a response was needed, then you would call,

1 no matter which agency it was, you would just call the officers
2 that were certified in that area to respond.

3 So the State Police, there's probably 350 troopers
4 that are certified. And for local officers in the state,
5 anywhere from 2 to 300 officers that are trained.

6 Q. So it's kind of a task force of sorts?

7 A. Yeah. You could call it that.

8 Q. Okay. And did you have any leadership or supervisory role
9 in that unit?

10 A. Most of the scenes, like I said, would respond with a
11 trooper or somebody within the Michigan State Police
12 department.

13 In my office in Lansing, we oversaw those types of
14 responses to include calling out those officers. And then when
15 the reports were completed, they would be sent to my office for
16 review. And we would make sure that all the necessary
17 paperwork was completed and completed properly for that
18 particular case.

19 Q. Okay. And in terms of this, this -- so you were a
20 coordinator of sorts, at some point?

21 A. Yes.

22 Q. And how, how long in that 10-year period were you a
23 coordinator?

24 A. The full ten years.

25 Q. Okay. And that's, that's a chief or big chief, so to

1 speak?

2 A. Sure.

3 (Laughter in courtroom.)

4 Q. All right. That's overly embellished. You were, you were
5 a supervisory person --

6 A. Yes.

7 Q. -- of some sorts? Okay.

8 And prior to at taking that position, did you receive
9 any kind of specialized training in the area which you were
10 going to work?

11 A. Yes. As soon as I got assigned to the unit, then I was
12 scheduled to attend basic clan lab school, which basically is a
13 school where you go for a week to be trained on how to handle
14 those types of complaints. That was conducted by the Drug
15 Enforcement Administration down in Fort Leonard Wood, Missouri.

16 I then attended a 3-day, 24-hour site safety class,
17 which then again allowed me to be a supervisor on those scenes,
18 which was conducted again by the Drug Enforcement
19 Administration in Fort Leonard Wood, Missouri. And I had to
20 have those two classes before I could actually respond to meth
21 labs and help dismantle those.

22 Q. Okay. And then did you say that was put on by the Drug
23 Enforcement Administration?

24 A. Yes.

25 Q. DEA? Any other training?

1 A. Well, through the course of my career, when I became an
2 undercover narcotics detective, I had gone to basic and
3advanced narcotics schools, which basically teaches you how to
4be a narcotics officer, what to look for, surveillance, those
5types of things that you would do during the course of that
6work. Reid Interview School, which, again, is a school that
7helps law enforcement be able to be conduct interviews with
8suspects. And then again, the trooper recruit school.

9 Later on, once we had the meth team, we had a program
10that's currently in existence in the State of Michigan called
11the meth container program. And that's where we store the
12hazardous waste temporarily so it can be disposed of properly
13by our hazardous waste contractor.

14 I also attended a three-day school to be able to not
15only go and dismantle labs, but then package that stuff safely
16and transport it to these hazardous waste pods until a
17hazardous waste company can come and dispose of it properly.

18 Q. To the extent you might not have said it, but you talked
19about training that you have received. Have you given training
20to officers?

21 A. Yeah. During the course of that time that I was on the
22meth team, I was also a contract instructor for a company out
23of California, Network Environmental Systems, that conduct the
24basic clan lab schools that I attended through the DEA. And
25I've trained officers in the state of Minnesota, Tennessee,

1 Iowa, Guam, not only in basic certification classes, but I've
2 also trained officers in tactical entries into meth labs
3 because of the potential of explosions and fires of those
4 scenes.

5 And then in, just in the State of Michigan, part of my
6 duties on the meth team was also to do training, not only for
7 law enforcement, but -- and first responders in the State of
8 Michigan, but also for the general public, to let them know
9 what the dangers are of methamphetamine. And in the course of
10 that time, probably over 5,000 first responders that I've
11 trained in the state of Michigan.

12 Q. Okay. Beyond the training that you received, the training
13 you have given, let's talk about your work experience.

14 Have you had hands-on investigations or been involved
15 in investigations of meth labs?

16 A. I have, yes, sir.

17 Q. And how many meth labs investigations do you think you've
18 been involved with, either directly or indirectly?

19 A. Rough estimate, I would say 400. Again, where I've either
20 been hands-on responding to those scenes, have shown up as a
21 site supervisor, or have packaged it.

22 And in my current job, which is in the west side of
23 the state, it always appears to be, tends to be the hot spot
24 for meth labs. So our units still respond to meth labs in that
25 area that I respond to, to help dismantle them and package the

1 stuff to, again, transport them to these hazardous waste pods.

2 Q. Okay. And when you respond to a meth lab, can you give the
3 jury a little idea of what would be a day in the life? I mean,
4 what do you see, what do you hear and what are the types of
5 things you encounter when you do a meth lab investigation?

6 A. Well, a meth lab investigation versus a meth lab response,
7 they are kind of two different things. You could actually
8 start a meth lab investigation, and it would be no different
9 than a typical drug investigation, where at that point, you're
10 gathering facts, finding out who your suspects are, maybe doing
11 some surveillance. And again, that's no different than a
12 typical narcotics investigation.

13 When you talk about responding to a meth lab, again,
14 that's when this extra training, the equipment comes into play.
15 When you show up to one of those scenes, again, typically one
16 of the first things you want to do is rope it off and not let
17 anybody come in and out of that scene that's not, number one,
18 properly trained to be in that environment, or has the proper
19 equipment to go in there.

20 Again, when I talk about proper equipment, I'm talking
21 about things like a respirator which, again, is a face mask
22 with either a cartridge that helps filter out some of the
23 things that may be in the environment, or a self-contained
24 breathing apparatus, which I'll refer to as a SCBA. It's the
25 same things that the fire department wears where you have a

1 backpack that's got air in it, again, to help you breathe in
2 those environments.

3 It also includes wearing protective clothing, fire
4 retardant clothing, again, to help in the event something
5 catches on fire while you're working in that environment.
6 Usually, we have the fire department on scene with a charged
7 hose, again, because there's always that potential that a fire
8 could start. Basically, you lock down that scene until you've
9 taken your photographs, collected all the evidence that you
10 needed to collect, sample what you need to sample, whether it's
11 liquids, to see if the presence of methamphetamine or, or
12 ephedrine or pseudoephedrine is in that solution, and then
13 package that stuff up, again, to remove it, to make that place
14 safe before anybody can enter again.

15 Q. Okay. You said the word "stuff" and you said the word
16 "evidence."

17 A. Okay.

18 Q. If we could get a little bit more detailed and granular,
19 and could you, having said what you said, can you talk about
20 specifically what are the types of things you see?

21 A. Well, a lot of -- what's going to determine on what you're
22 going to see is the type of methamphetamine cook they may be
23 using to produce the methamphetamine. In the State of
24 Michigan, we predominantly see three types of meth labs.

25 Q. Let me, let me just stop you there. First question is, you

1 have a slide show that you've prepared for this testimony?

2 A. Yes, sir.

3 Q. Okay. And before we get to that, let me just ask you a few
4 more questions. You've seen items that have appeared at
5 clandestine methamphetamine labs, correct?

6 A. That is correct.

7 Q. And would it be fair to say, to move things along, there's
8 a certain commonality in the items you find during those, those
9 searches?

10 A. Well, I mean, a lot of the stuff that you find at a meth
11 lab, at least here in Michigan, are household common items,
12 things that you probably have, some of the things you have in
13 your own homes.

14 A lot of the stuff that's used to make methamphetamine
15 has other legitimate uses. And you could go down to the store,
16 a Walmart, a Meijer's, party stores and buy almost everything
17 you need to manufacture methamphetamine, again, depending on
18 the style of cook that you're going to see.

19 Again, just because they have common uses, some of the
20 things we look for when we're at a meth lab is where these
21 things are stored, the amounts that they may have, again, is
22 what's going to lead us to believe whether they are making
23 methamphetamine or not.

24 Q. Okay. And so if I understand you correctly, you've been
25 involved in a number of investigations. You've seen a number

1 of things in these investigations. And you've received
2 training, you've performed training, specialized training.
3 You're familiar with what a meth lab looks, or at least the
4 wide variation, what meth labs look like?

5 A. That is correct.

6 Q. And have you testified before -- let me direct your
7 attention to this. Have you testified with regard to meth labs
8 101, for lack of a better term?

9 A. I have.

10 Q. And where would that have been?

11 A. That was in state court, in Eaton County.

12 Q. And would that have been a criminal or civil case?

13 A. Criminal case.

14 Q. Okay. In other words, someone who was on trial for
15 something?

16 A. That is correct.

17 Q. And in terms of federal court, have you had the opportunity
18 to testify in court, in terms of sentencing issues?

19 A. Yes, sir.

20 Q. And would that be something different than what you're
21 going to be talking about here today?

22 A. Yes, sir.

23 Q. And that would be kind of the hazardous components of meth?

24 A. Yes.

25 Q. Okay. Any other testimony that you've given?

1 A. No. That about covers it.

2 Q. Detective Lieutenant Saucedo, within the last week or so,
3 you had an opportunity to meet with prosecutors and the FBI in
4 my offices?

5 A. That is correct.

6 Q. And as part of your training regimen, you brought with you
7 a hard drive?

8 A. I did.

9 Q. And did that contain a plethora of training materials and
10 videos and slide shows?

11 A. Yes, sir.

12 Q. And were you here early this morning at my offices?

13 A. Yes, I was.

14 Q. And did you have the opportunity to take a look at a, a
15 shortened-up Power Point that you were familiar with?

16 A. Yes, sir.

17 Q. And did you go through each and every slide?

18 A. Yes, sir.

19 Q. And to the extent it has now been marked as proposed
20 Government Exhibit No. 4-6, did that Power Point fairly and
21 accurately describe the things that you're going to be talking
22 about in a few moments?

23 A. Yes, sir.

24 Q. And in terms of your testimony, I take it, it's going to be
25 somewhat specialized?

1 A. Yes.

2 Q. And would that Power Point presentation, would that assist
3 you in explaining those specialized concepts to the jury?

4 A. Yes, sir.

5 MR. STRAUS: Your Honor, at this time, the United
6 States would ask to publish proposed Government's Exhibit 4-6
7 for identification only.

8 THE COURT: That has been approved. And you may
9 proceed, sir.

10 MR. STRAUS: Thank you, your Honor.

11 BY MR. STRAUS:

12 Q. And what I'd ask, sir, if you could, in going through your
13 explanation, to simply ask to go to the next slide.

14 A. Okay. You might want to go to the next slide.

15 Like I mentioned before, the three most common types
16 of meth labs that we see here in Michigan is the anhydrous
17 ammonia lithium metal method, the red phosphorus iodine method,
18 and what we call the one pot, which is a variation of the
19 anhydrous ammonia method.

20 The P2P method is the older method of making,
21 manufacturing methamphetamine. We've never seen one of those
22 in Michigan. Hopefully we never do. But again, it's just
23 there, just to talk about there are other ways to make
24 methamphetamine.

25 Next slide, please?

1 So what is meth? Next slide.

2 Powerful upper, psycho-stimulant that affects the
3 nervous central system --

4 COURT REPORTER: Can you slow down, please?

5 THE WITNESS: Okay.

6 It affects the nervous central system, increases your
7 heart rate, blood pressure. Produces a euphoria unlike a lot
8 of the other drugs. And they call it the poor man's cocaine
9 because you can make it fairly cheaply and make it yourself,
10 again, with a lot of common household items. But it gives you
11 a high just as good, or if not better than cocaine.

12 Next slide, please.

13 And these are just some of the street names that meth
14 is referred to out on the street.

15 Q. Let me ask you this, just stop you there. You've talked --
16 both in terms of your investigations, have you talked to
17 suspects involved in either the consumption of meth or the
18 production of meth?

19 A. Yes, sir.

20 Q. And the names that you have listed up there, have some of
21 those come up during the course of your investigation?

22 A. Yes.

23 Q. All right.

24 A. Next slide, please.

25 And then this picture, just to illustrate that

1 methamphetamine can be any color of the rainbow. And the color
2 does not affect its purity or its potency. Meth is meth. Some
3 of the colors are determined because of the products that they
4 use in the manufacturing process. But again, meth can be any
5 color.

6 The other thing I want to point out in this photograph
7 is that when you think about meth labs, or you hear the word
8 "lab," you want to get out of your head the vision of a high
9 school or a chemistry lab setting, because a lot of stuff that
10 they use is homemade, improvised stuff for their cooking
11 vessels.

12 As you see here in this picture, they use coffee
13 filters a lot to filter out the solids from the liquids.
14 They'll use Mason jars instead of reaction vessels to cook the
15 drug. They'll also use those Mason jars to store solvents and
16 acids instead of their original containers.

17 Next slide, please.

18 And then how is it taken? It's taken like a lot of
19 other drugs. It can be orally ingested. It can be snorted up
20 their nostrils. It can be smoked. It can be injected.

21 One of the things that I've seen every once in a while
22 here in the state of Michigan is that those coffee filters will
23 get saturated with the finished methamphetamine, or the raw
24 ephedrine or pseudoephedrine that's used to make
25 methamphetamine. And so these folks will keep those coffee

1 filters and chew on them to get the methamphetamine that's in
2 the coffee filter. I have seen these coffee filters soaking in
3 beverage bottles.

4 Again, methamphetamine is water soluble so it will
5 dissolve in those solutions. So when they are drinking their
6 Mountain Dew, their iced tea, their lemonade, whatever their
7 drink of choice is, they would be getting meth in their system
8 from these used coffee filters.

9 Next slide, please.

10 And these are just some of the items that they would
11 use if they were smoking methamphetamine. The aluminum foil
12 there that you see with the charred coloring on it, we call
13 those tinfoil squares. Basically what they are doing there is
14 just putting a little bit of a methamphetamine on the aluminum
15 foil to heat it up. And then when the vapors come off the
16 aluminum foil, they inhale it through glass pipes.

17 Lab locations, anywhere you can think of. We've seen
18 some pretty large meth labs in the state of Michigan. But
19 we've also seen small meth labs that will fit in a backpack, in
20 a baby's diaper bag. We've seen it.

21 With this new style of methamphetamine cooking called
22 the one pot method, we've had them walking around with the
23 two-liter pop bottle with the reaction in their side cargo
24 pants. So again, it's necessarily not going to be anything
25 massive. It can be. But again, it could be something as small

1 as something that fits in a backpack or a duffle bag.

2 Next slide, please.

3 And these are just some of the common things that they
4 could use. Again, they don't need all of this stuff. And
5 depending on the style of methamphetamine cook is going to
6 depend on some of these items, whether they are going to be at
7 a scene or not.

8 One of the things that they are going to have an
9 abundance of are solvents, because they have to use the
10 solvents in different phases of the meth production. And they
11 can use any alcohol-based solvent out there. Starting fluid,
12 which is ether. One of the most common ones that we see on a
13 regular basis is Coleman fuel, denatured alcohol, HEET, which
14 is gasoline antifreeze. Again, they can use any one of those.
15 They can use a combination of them, but, again, they don't need
16 all of those, all of those particular solvents.

17 Drano, lye. In the one pot method and the red
18 phosphorus method, you will see lye. In the anhydrous ammonia
19 method, you won't see lye at that type of cook. And if they
20 are cooking anhydrous method or the one pot method, they are
21 not necessarily going to have red phosphorus or iodine, because
22 again, that's a different cooking style of manufacturing
23 methamphetamine. So it's typically going to be one or the
24 other.

25 Acids are going to be at every meth lab scene. When

1 they go through the cooking process, they get a substance or
2 they get meth oil, that's basically what they get, which is
3 dissolved in those solvents that they use.

4 Before they can ingest the methamphetamine, they'll
5 have to change it into the powder, the methamphetamine
6 hydrochloride. And they do that by introducing hydrogen
7 chloride gas. They make their own hydrogen chloride gas by
8 simply mixing an acid, sulfuric acid, which is basically a
9 strong drain cleaner, with regular table salt, or muriatic
10 acid, which is pool acid, with aluminum foil and that will
11 produce hydrogen chloride gas.

12 They'll bubble that into that meth oil, and the
13 crystals will form in that and they just let it dry. Now they
14 have their finished meth to use. So they are always going to
15 have acids at those cooks.

16 And then the last item there, the MSM, those are just
17 items that they'll use as a cut. So basically, once they get
18 their finished meth, they'll add something like MSM in there,
19 which is just a supplement to now instead of having two grams
20 of meth, they could have four grams of meth. That's always
21 just a additive, so.

22 Next slide, please.

23 And again, what makes these hazardous wastes, or
24 Hazmat scenes, is that these chemicals do react with each
25 other. They could be harmful to you if they get in the air, if

1 you inhale them. Some of this stuff, like I said, if you spill
2 it on you, the acids can burn you.

3 Depending on the amount of chemicals, your
4 environment, if you're in an enclosed setting, if that
5 environment is filled with a lot of these different chemicals
6 that are harmful, if you breathe enough of those, depending on
7 what it is, it could hurt you pretty bad. You could have some
8 long-term life effects there.

9 Next slide, please.

10 The main ingredient in methamphetamine, whether they
11 are cooking the anhydrous ammonia method, the one pot method,
12 or the red phosphorus method, is your ephedrine or
13 pseudoephedrine that's contained in your over-the-counter cold
14 medications or your decongestants.

15 Another product, as you see there, those are bottles
16 of Mini Thins, but they need that chemical to change that into
17 methamphetamine. So you're going to see a lot of empty
18 containers, pill containers, empty blister backs, again, where
19 they've either purchased or have stolen those cold medications
20 or decongestants to get that ephedrine or pseudoephedrine.

21 Next slide, please.

22 This is actually a picture from one of the very first
23 labs I went to before I was ever meth trained back in 1999.
24 And you can see the amount of blister packs that this subject
25 had. Again, we know we have the type of weather here where

1 people get colds, but anybody that has that amount of ephedrine
2 or pseudoephedrine medications at their house, that could treat
3 probably the whole county. That's a lot right there.

4 Next slide, please.

5 Again, we already kind of hit on the solvents. They
6 don't need every one of these solvents. They can pick and
7 choose which solvent they want to use. And typically, it's
8 going to be whatever is the cheapest or the easiest to get.

9 Next slide, please.

10 If they are cooking the anhydrous ammonia method or
11 the one pot method, they have to use lithium or sodium metal.
12 Again, you could go to a chemical supply store and buy that
13 stuff, but it's going to be kind of expensive and people might
14 start asking questions when you go in there to buy the amount
15 that you're going to need. So typically, the meth cooks will
16 get their lithium metal from batteries.

17 And so basically, what they'll do is that they'll get
18 a lithium battery, and it has to be a charged lithium battery.
19 They'll cut the metal casing off of it. And the best way to
20 explain it, it looks like a fruit roll-up. There's a couple
21 pieces of plastic in there, you pull that apart and there will
22 be a strip of shiny lithium metal.

23 And that's what they'll use to create their chemical
24 reaction with either anhydrous ammonia or a farm fertilizer
25 like ammonium nitrate or ammonium sulfate type fertilizers.

1 Again, what they are doing is creating a chemical reaction to
2 change that ephedrine or pseudoephedrine to methamphetamine.

3 The one thing that I want to mention about the lithium
4 metal, is that lithium metal is water reactive. It can ignite
5 with just the moisture in the air. So hence, you see here,
6 this particular meth lab, once the lithium strips were cut out
7 of the casings, the metal casings that they come in, they are
8 then wrapped in either a powder or they are kept in a solvent,
9 again, to keep water off of it, because they will ignite.

10 Next slide, please.

11 And then here is just again typical of what we see.
12 Again, with the anhydrous ammonia lab or the one pot meth labs,
13 we'll see a lot of these types of battery casings, again, where
14 they've cut them apart to remove the lithium metal.

15 Again, there's no legitimate reason, purpose to break
16 those casings open like that and, and remove that lithium
17 metal. You're not going to be able to run your transistor
18 radio or your camera just with the lithium slips.

19 So next slide, please.

20 With the anhydrous ammonia method, anhydrous ammonia
21 is a farm fertilizer. We have a lot of it here in the state of
22 Michigan. And when I first started doing meth labs in the
23 early 2000s, this was predominantly the method of meth
24 production that we would see because we had a lot of anhydrous
25 ammonia available on your farm fields. And they would steal

1 the anhydrous ammonia. I've shown up at scenes where they have
2 stolen a whole nurse tank there, and that contains 1,000
3 gallons of anhydrous ammonia. And that's a lot.

4 But they'll mix that with the lithium metal, again, to
5 create that chemical reaction to change the ephedrine or
6 pseudoephedrine into methamphetamine.

7 Next slide, please.

8 We used to run into a lot of propane tanks because the
9 anhydrous ammonia, you can't just go into a farm supply store
10 and say I need a cup of anhydrous ammonia. They don't sell it
11 that way.

12 Again, you see that thousand-pound nurse tank. They
13 can sell it in 100-pound cylinders. Well, these meth cookers
14 would need to transport it somehow. And so one of their
15 favorite ways to transport it, at least that we used to see
16 here in Michigan, is that they would store it in regular
17 propane tanks.

18 Once they did that, we could always tell because the
19 anhydrous ammonia would react with the fittings on these
20 propane tanks. And so they would -- the fittings on these
21 propane tanks would turn this bluish-greenish color.

22 So even if it never have -- even if it didn't have
23 anhydrous ammonia in it anymore, we would show up on scene, we
24 knew that was used to transport anhydrous ammonia just by the
25 coloring on there. And you could try to scrub that off and it

1 will stay on there. It kind of oxidizes the metal.

2 Next slide, please.

3 Anhydrous ammonia is also used as a refrigerant in
4 some instances. Your big motor homes will sometimes use
5 anhydrous ammonia in their refrigerant lines as coolant. And
6 this just illustrates, you could see, that's a plastic gas can,
7 and you can see the frost on the outside of it. That's how
8 cold anhydrous ammonia is. It's very cold.

9 Next slide, please.

10 Red phosphorus. The other type of way of making
11 methamphetamine is a red phosphorus iodine method. Again, one
12 of the legitimate purposes or uses for red phosphorus is
13 pyrotechnics, fireworks. Because of meth labs, because it is
14 very flammable, it is a chemical that is watched on a watch
15 list.

16 So if you went into a chemical supply store and
17 ordered red phosphorus and they take your information, if
18 you're involved with fireworks, you have to be licensed to have
19 it. So it's pretty hard to get the commercial grade red
20 phosphorus nowadays, but there's other ways to get it. But
21 that's just some commercial grade red phosphorus. Again, red
22 in color, friction sensitive. It can start a fire.

23 And then when it's used in the cooking process in a
24 red P, red phosphorus meth lab, one of the by-products, it
25 produces phosphine gas, which is very deadly if you inhale it

1 in small quantities, which has led to some deaths, again, of
2 meth cookers that get overcome by those fumes in the cooking
3 process and has hurt some law enforcement officers, again,
4 because they've gotten exposed to that.

5 Q. Sir, let me ask you one question. What is another source
6 of red P or red phosphorus that one might be able to find
7 locally for a consumer?

8 A. Typically, what we see here, and I've seen on meth labs, is
9 your matchbook striker plates, not the matches themselves, but
10 the striker plate on the side. Depending on the manufacturer,
11 those strike plates could contain up to 40 percent red
12 phosphorus. And so that's a source for your meth cookers, not
13 only nationally, but again in Michigan.

14 And we've seen it quite a bit where -- I've been on
15 scenes where you'll have a 30-gallon gas -- or a 30-gallon
16 trash can just filled to the top with just the ripped ends of
17 the striker plates, where they'll soak them in a solvent,
18 typically acetone. And that helps dissolve the glue that holds
19 those striker plates on. And then you'll have somebody just
20 scraping those striker plates and letting it dry. Now I've got
21 my red phosphorus for my meth cooks.

22 Q. Just so the jury knows, is the red P method a more
23 sophisticated or less sophisticated way of what you've been
24 describing as the one pot method?

25 A. It's a little bit more sophisticated. It takes more time.

1 The chemicals are harder to come by. In the red phosphorus
2 method, you can cook larger quantities at one time. You could,
3 with a red phosphorus cook, you could cook anywhere from 25 to
4 100 pounds at a time, which are considered super labs. We've
5 never seen one of those in Michigan, hopefully we never do.
6 But those are the types of labs they find in California,
7 Nevada, Arizona, the country of Mexico, again, where they can
8 mass-produce quantities of methamphetamine using that method.

9 The one thing I want to make perfectly clear that with
10 any type of meth lab, it's just following a recipe. Some of
11 those recipes are four or five steps. If you could bake a cake
12 or bake cookies, you could cook meth. There's a lot of things
13 that go wrong with the process. But again, if you can follow a
14 recipe, you can do it.

15 Next slide, please.

16 Again, this is some commercial grade red phosphorus.
17 Again, one of the first labs that I had ever responded to in
18 the Van Buren County area. This gentleman, again, because of
19 the restrictions on the red phosphorus had a friend who had a
20 license to buy it for fireworks, and again, that's how he was
21 obtaining a commercial grade. But we rarely see the commercial
22 grade anymore. It's typically from the striker plates.

23 Next slide, please.

24 Just like the anhydrous ammonia method or the one pot
25 method where you need to combine lithium metal with the

1 fertilizer to create the chemical reaction, in the red
2 phosphorus, you have to introduce iodine, which helps create
3 that chemical reaction in that type of cook. And these are
4 iodine crystals that you could buy at tack and feed stores.
5 Again, it's a shiny piece of metal that is used to clean up
6 wounds or treat hooves disease in livestock. So, again, you
7 will find these at tack and feed stores.

8 If they don't want to buy the tack from the tack and
9 feed stores, they can make their own iodine crystals by simply
10 mixing hydrogen peroxide and tincture of iodine, again, you can
11 buy at the stores.

12 Next slide, please.

13 And again, this is just illustrating some meth oil,
14 kind of some of the things that we look for. As you see here,
15 there's nothing on that jar that marks it as meth oil. The
16 meth oil could have a consistency and look like a regular
17 vegetable or canola oil, again, depending on the type of cook
18 and the type of solvents that they used.

19 Next slide.

20 Bilayer liquids. Again, this is from an anhydrous
21 ammonia cook in the Eaton County/Grand Ledge area. The bilayer
22 level here, the top layer is going to be your meth oil. And
23 that bottom layer is going to be the by-products from your meth
24 cooks.

25 So what they want to do is separate that oil there

1 because that's what's going to contain the meth oil that's
2 dissolved in the solvent. Like I mentioned earlier on, where
3 they introduced hydrogen chloride gas, this is kind of where
4 they would do that in that stage to produce the powdered
5 methamphetamine out of that top layer.

6 Next slide, please.

7 And again, this is just showing how they would produce
8 hydrogen chloride gas. They typically mix, again, a regular --
9 a strong acid with either regular table salt or pool acid,
10 muriatic acid, with aluminum foil.

11 Here they are using a gas can. Typically, we'll see
12 them in 20-ounce, 2-liter pop bottles with tubes sticking out
13 of the top, again, where they'll mix the acid and salt or
14 aluminum foil and it will produce a gas, hydrogen chloride gas
15 that they bubble in the oil.

16 Next slide, please.

17 And that's typical of what we call a gas generator.
18 And we find those at every lab scene that we go to. Again,
19 that's the vessel that they'll put the acid and the salt to
20 produce hydrogen chloride gas.

21 Now, the one thing about those types of bottles there
22 is they could be sitting there for a couple weeks, and they'll
23 look very harmless. But simply picking that up will re-agitate
24 that mixture and it will start producing hydrogen chloride gas.

25 I've responded to scenes where just innocent people

1 will get exposed to this because they are trying to clean up
2 the trash or they think it's a bottle they can return and they
3 get overcome with the hydrogen chloride gas. It's an upper
4 respiratory irritant. It will sting a little bit, but you'll
5 be okay. So you want to be careful if you come upon anything
6 like that.

7 Next slide, please.

8 And then with any of these meth cooks, there's a lot
9 of by-products, looks like trash, but again, this is the
10 remnants, the leftover stuff from a meth cook. And again, we
11 can't just take that stuff and put it in a trash can and throw
12 it away, because, again, we're not sure what's been mixed that
13 could still create a chemical reaction. If there's still
14 lithium metal in, wrapped in there, that could cause a fire
15 situation. So this stuff has to be packaged and taken away and
16 disposed of by a hazardous waste contractor.

17 Next slide.

18 Q. I believe that's it. I have a couple of follow-up
19 questions. You mentioned regulated items. Is pseudoephedrine
20 regulated?

21 A. It's, it's not regulated. Again, you can buy it at your
22 pharmacies, your Walmarts. There are some laws on the books
23 that are restricting how much you can purchase at a time, as
24 well as where those items are kept if you use that. I know I
25 use it during the cold and flu season, you have to show your

1 driver's license, sign, and they'll give you the box from
2 behind the counter. All that was put into law because of them
3 using this to make methamphetamine.

4 Q. Okay. And the second question is you used the term "one
5 pot method." Are there any other terms, street terms used to
6 describe that method?

7 A. Shake and bake, one pot, bucket method. Again, it
8 really -- just kind of like there's different names that people
9 refer to methamphetamine, there are other names for the same
10 style of meth cook, just depending on who is using those terms
11 in that circle.

12 Q. Detective Lieutenant, you've described pretty much the
13 after-the-fact by-products that you've seen in the course of
14 your experience working with the meth lab unit. Are you
15 familiar, through your training and experience, on how to make
16 meth?

17 A. Yes. And I've actually made methamphetamine myself, in a
18 controlled environment.

19 Q. All right. And as part of that plethora of training
20 materials you brought over last week, did you have some videos
21 within that grouping of materials that explained at least two,
22 three types of, or two types of methamphetamine production?

23 A. Yes, sir.

24 Q. And would one type of methamphetamine production method
25 that you have video of, would that include the red P method?

1 A. Yes, sir.

2 Q. And was that produced by some other outside law enforcement
3 agency?

4 A. Yes, it was.

5 Q. And are you familiar with that particular procedure?

6 A. I am.

7 Q. Is that part of your training as well?

8 A. Yes.

9 Q. And was there another video that had been, actually, that
10 you had some part in being there or producing, or being
11 involved in?

12 A. That is correct.

13 Q. And would that be the Michigan State Police?

14 A. Yes.

15 Q. Would that be the one pot method of meth production?

16 A. Yes, sir.

17 Q. And finally, is there a clip, was there some materials also
18 that showed how you cut a battery open to get at those valuable
19 lithium strips?

20 A. Yes.

21 Q. And when you were here this morning, did you have an
22 opportunity to look at a constructed 17-minute video that had
23 been pieced together with small pieces of your videos?

24 A. Yes, sir.

25 Q. And was that a fair and accurate representation of the

1 materials you were familiar with?

2 A. Yes.

3 Q. And in terms of your testimony that you're about to give in
4 terms of how to make meth, would those video clips, that is,
5 what has been marked as proposed Government Exhibit 4-6, or
6 4-5, I'm sorry, would that substantially enhance your ability
7 to explain the process to the jury?

8 A. Yes.

9 MR. STRAUS: Your Honor, at this time the Government
10 would like to publish to the jury, at this time, proposed
11 Government Exhibit 4-5 for identification only.

12 THE COURT: And this has also been approved in earlier
13 discussion. You may proceed.

14 MR. STRAUS: Thank you, your Honor.

15 (Publishing GX 4-5, 11:54 a.m.)

16 BY MR. STRAUS:

17 Q. And I'll ask you, as this, this video goes through, if you
18 could explain the process as it's unfolding.

19 A. Again, this is going to be the red phosphorus method. As
20 you'll see here, it's done in a lab setting. But those same
21 type of chemicals is what typically you're going to see at a
22 meth lab. There, you have your red phosphorus. In the middle
23 you have your iodine. And the last one had the ephedrine or
24 pseudoephedrine.

25 So the first step in a red P cook is to add water to a

1 reaction vessel. As you see here, they are using a beaker.
2 They are then adding the red phosphorus. Then they are adding
3 the iodine crystals.

4 Now, when we talk about the different types of
5 chemical reactions and things that can go wrong, you'll see
6 here in this video, when you add iodine crystals to red
7 phosphorus, it creates a lot of heat. And you'll see here that
8 it kind of boils over. So they are going to want to add it
9 very slowly to the reaction vessel so, again, it doesn't heat
10 up as much.

11 Once they've added the water, the red phosphorus, the
12 iodine crystals, then they'll add the ephedrine or
13 pseudoephedrine pills, where they either grind them up, and
14 they'll use, typically use a coffee grinder or something like
15 that to make the pills into a powder. They'll then add that to
16 that solution.

17 Q. I have a question. Is this process capable of performing
18 without red phosphorus?

19 A. No.

20 And here, they are adding the ephedrine or
21 pseudoephedrine.

22 During the red phosphorus process, or manufacturing
23 method, you have to actually boil that solution, typically
24 about four hours to, again, at a high heat. And that helps the
25 iodine and red phosphorus do their chemical reaction to change

1 that ephedrine or pseudoephedrine into methamphetamine.

2 Like I said, here you're seeing chemical commercial
3 grade glassware. They'll typically use a Mason jar for their
4 reaction vessel. Instead of that heating mantle, they'll use a
5 hot plate to heat it up. I've seen them use pressure cookers
6 in cooking this style of methamphetamine.

7 So once they get this cooking for about 2 to 4 hours,
8 they then need to cool this down. Again, it's pretty hot. So
9 that's what they are doing here.

10 Q. By the way, is all this fancy equipment required in a red P
11 cook?

12 A. No, it's not. Like I said, they'll typically use homemade
13 improvised items instead of the commercial grade, chemical
14 grade glassware.

15 Here, now they are filtering out the solution. What
16 they are doing is capturing the red phosphorus and iodine in
17 the coffee filter. And now you see that liquid there. That
18 has methamphetamine oil dissolved in the water, or the solution
19 there. And then they've captured the red phosphorus.

20 Q. By the way, for recyclers, can that red phosphorus in the
21 coffee filter be re-used?

22 A. Yes, it can. But the more times they re-use it, that red
23 phosphorus becomes more and more sensitive, friction sensitive.
24 And, again, that could cause a fire.

25 Now, that meth oil, because of using the red

1 phosphorus iodine method, in this particular meth, type of a
2 meth cook, that meth oil is very acidic. So they wouldn't be
3 able to change that into that powder at that time and use it
4 because it could have some pretty bad effects on the user. So
5 at this point, what they want to do is bring that acidic meth
6 oil from an acid to a base. That's the reason why they are
7 using the lye, sodium hydroxide, to do that.

8 Q. Is that a type of drain cleaner?

9 A. It is. It is. And in this case, just like when they add
10 the red phosphorus with iodine, it created a lot of heat. When
11 you add the sodium hydroxide, it does the same thing. So
12 that's the reason hence you saw them adding ice to keep it
13 cool.

14 So now they are adding the solvent. Like I said, they
15 could use any solvent. But typically, we see Coleman fuel. I
16 don't know if it's just because it's easier to get, it's common
17 out there. And what they are doing is capturing the meth oil
18 in this solvent here with the Coleman fuel.

19 So as you saw in the picture, you'll see a bilayer
20 liquid form. You'll see the two liquids there. The bottom
21 layer is going to be your water/sodium hydroxide mixture and
22 then that top solvent is where your meth oil is going to be
23 dissolved in. So they need to separate that. And hence is
24 what they are doing here is separating that bottom layer.

25 Again, in this particular situation, they are using a

1 separatory funnel, but your meth cookers out there will just
2 use a Dawn detergent bottle where they'll cut the top off, put
3 that bilayer solution in there, and just open the stopper to
4 drain that stuff out and then close it again to get the meth
5 oil.

6 So now, that solvent layer that he's pouring out there
7 in the beaker has the meth oil in it, and here's where they are
8 going to produce hydrogen chloride gas. So again, they are
9 using just regular table salt. And they are using a sulfuric
10 acid in this case, Roto, which we see a lot at scenes. And
11 it's just a, a strong industrial-type sulfuric acid that you
12 can buy at your hardware stores. You can get it Walmart,
13 Meijer-type stores.

14 So once those two items are mixed, they are producing
15 hydrogen-colored gas that you see that's being bubbled into
16 that meth oil. And the crystals will just form in that
17 solution. You'll see it here in just a second start to get
18 real cloudy. And in the bottom of that container is the
19 finished methamphetamine.

20 And there, you'll see finished methamphetamine on the
21 hose there, again, where it attached to the hydrogen chloride
22 gas.

23 Q. Consistency-wise, is that a very fine powder?

24 A. Yes. And so here, they are now separating the liquid from
25 the finished methamphetamine, again, using coffee filters.

1 And then there's the finished methamphetamine. Again,
2 it's going to be wet because it was just in that solution. So
3 they'll have to dry it. And they can do that by simply putting
4 it in front of a fan, putting the heat lamp on it and it will
5 dry, it will dry it into a powder and then it's ready to use.

6 Q. Based on your training and experience, absent the moisture,
7 what is the purity level of, of meth at that point in the
8 process?

9 A. Well, it really depends on your meth cooker. They could
10 get methamphetamine that's 80 percent pure. They could get
11 meth that's 70 percent pure. It just really depends on, again,
12 how much of the stuff they mix, if they followed a certain
13 recipe. It could be any purity.

14 Q. Okay. What is going on here? Is this -- do you have some
15 familiarity with this cut of the tape?

16 A. Yes. This is a different style of methamphetamine cook.
17 This is the one pot method.

18 Back in 2005, the Michigan State Police, my office, as
19 well as the Drug Enforcement Administration, a couple of other
20 different police agencies from around the country, California,
21 Iowa -- Iowa, had come up. And basically what we did was
22 manufacture methamphetamine in these one pot reaction vessels,
23 because we were seeing a lot of lab fires.

24 So we re-created these meth cooks with recipes that we
25 had obtained from meth cookers that we have arrested and then

1 put these one pots, these shake and bake meth labs together,
2 and videotaped them, to see if we could see any indication of
3 when they would catch on fire, how they were catching on fire,
4 as a training video for law enforcement.

5 Q. Where is this taking place? Is this in Lansing?

6 A. This is actually down at Fabius Township Fire Department in
7 Three Rivers, Michigan, where, again, it was a controlled
8 setting at a fire department. We had burn cells set up, again,
9 and we had the State Police, as well as Michigan HYTA, which
10 funds some of our training, brought a camera crew in as well,
11 again, to help us videotape this for a training video.

12 Q. I see a number, an alphanumeric symbol on the outside of
13 what appears to be a 2-liter pop bottle. Is that
14 representative of a recipe?

15 A. Yeah. We had a book full of different recipes. And so we
16 were labeling our meth cooks with a number, A, B, C, D, so that
17 we could identify, okay, we used this particular recipe, we
18 used this style of bottle, because we did use other types of
19 bottles as well, plastic bottles, so again, that when you put
20 this together, we could say in this particular 2-liter pop
21 bottle or this 20-ounce pop bottle, it failed because of this
22 reason type situation. So it was just an identifier of the
23 cooks.

24 Q. Were there better recipes than others?

25 A. They are all about the same. What really, what was really

1 different between each cook was the bottle, the bottle style.
2 Some failed easier than others, again, because of how thick the
3 plastic was, et cetera. And so that's what really determined
4 the effectiveness of the one pots.

5 Q. Detective Lieutenant, I stopped the video.

6 Could you give us a snapshot of what is occurring
7 right now?

8 A. In that bottle is where they are just mixing everything.
9 You'll see on the -- on my right side there a coffee grinder,
10 again, that we used to grind up the Sudafed pills.

11 In the container next to it, those are the lithium
12 strips that we had cut out of batteries and put under a solvent
13 so we could add it to it.

14 Then on the other side of the table there, you'll see
15 sodium hydroxide, which is used in the one pot method, as well
16 as Coleman fuel. And then there's a bottle of water as well,
17 which is all needed in the one pot method.

18 THE COURT: Before you start the video again, let's
19 take a, just a one-minute stretch break here.

20 MR. STRAUS: Certainly, your Honor.

21 THE COURT: Stand up, please.

22 (Recess taken, 12:06 p.m. - 12:07 p.m.)

23 THE COURT: Let's come back to order. Be seated,
24 please. You may proceed.

25 MR. STRAUS: Thank you, your Honor.

1 Can we begin the video again?

2 BY MR. STRAUS:

3 Q. Sir, if you could continue explaining the process that's
4 unfolding here?

5 A. Yeah. In that instance, they were just adding the solvent
6 to it. So, as you can see in the bottle there, you have your
7 solvent. Now they are getting ready to add the lithium metal.
8 When the lithium is in those casings, before they break it
9 apart, it's shiny. As soon as it comes out of that casing, you
10 can see now it's pretty dark in color, because it's already
11 starting to oxidize with just the moisture in the air.

12 Again, if you have sweaty palms, sweaty hands, you get
13 a drip of, a bead of sweat from your forehead, if it lands on
14 that lithium metal, it will ignite it, catch it on fire. So
15 again, that's another instance where something can go wrong in
16 a meth cook when they are adding the chemicals together. And
17 something as simple as that happens, you could have a pretty
18 massive fire occur.

19 Q. And is that something you see, you've seen in terms of your
20 investigations, fires, evidence of fires?

21 A. Definitely. We see either the remnants of stuff that's
22 been burned from a meth lab. We get calls from the hospital
23 because a burn patient will end up there and their story
24 doesn't add up, and because they've been burned in a meth lab.
25 Once we go back to their house or location, we've seen

1 apartment buildings destroyed, houses destroyed, again, from a
2 meth lab.

3 Q. Now, how many, just out of curiosity, how many of these
4 lithium strips are in one of those little, appears to be AA
5 batteries?

6 A. There's just one lithium strip. Again, once you unroll it,
7 it's probably about that long.

8 Q. Okay. Indicating for the record --

9 A. About 12 inches.

10 Q. -- a foot long?

11 A. Yeah. And then maybe 2 inches wide. Very thin. And
12 typically in a meth cook, they may use about two to three
13 lithium strips and a 2-liter pop bottle like you see here.

14 Q. So the strip, when you say "strip," you're talking about
15 the 12-by-2-inch strip?

16 A. Yes.

17 Q. And what appears to be happening on the video is they are
18 tearing it?

19 A. Correct.

20 Q. Okay.

21 A. Again, just to be able to fit it in the bottle better, and
22 helps with the reaction. Because again, you'll see here when
23 they add all that stuff to the one pot, and then add, put the
24 cap on it, it will start creating a lot of pressure and it will
25 look like it's boiling. Doesn't create heat, but that reaction

1 will look like it's boiling inside there.

2 And again, it's just because of the sodium hydroxide,
3 the ammonia-based fertilizer they use, as well as the lithium
4 metal during the chemical reaction in there.

5 Q. We've heard the term "shake and bake." Is it really
6 necessary to shake these things?

7 A. It's not necessary. And actually, one of the training
8 points that I give to law enforcement is that if you see these
9 bottles, don't pick them up and shake them. Because that's one
10 of the things that we did find, is that what causes this fire,
11 as you saw there, they added a little bit of water to that
12 reaction vessel. And like I mentioned before, water and
13 lithium don't like each other.

14 Q. Now, what is --

15 A. They'll ignite.

16 Q. I'm sorry. What is going on here? It's a far-away shot.
17 Is there bubbling, gurgling going on?

18 A. Yeah. It's doing its chemical reaction. You can actually
19 see the pieces of lithium going up and down in the bottle.
20 That's the actual chemical reaction occurring.

21 What will happen is that the reaction will stop,
22 because so much pressure builds up. It could take a minute, it
23 could take two minutes, again, depending on how much head space
24 you have left in the bottle.

25 And this is in some cases where the meth cooker feels

1 they need to shake it to keep the reaction going, when in
2 reality, all they have to do is burp it. If you relieve just a
3 little bit of the pressure, that chemical reaction will happen
4 again.

5 Q. There's one last clip here. Maybe we can explain what this
6 is all about?

7 A. And again, this is just a training video during this same
8 time we were doing the meth cookers, that we're just showing
9 how easy it is to strip lithium metal out of a battery. And
10 then we also ignite the lithium to show how easy it goes up.

11 Q. What kind of tool is that, that's being used?

12 A. It's just a pipe cutter that's being used and a pair of
13 vice grips to hold it, just going around to score and cut into
14 the metal casing.

15 Q. Again, this is a AA lithium battery?

16 A. AA lithium battery.

17 Q. Those are the expensive kind?

18 A. Yes.

19 Q. All right.

20 A. And then just pull the metal casing apart now that you've
21 scored.

22 And you'll see here once you pull it out, like I said,
23 the best way to explain it, it looks like a fruit roll-up. You
24 just pull the two pieces of plastic and paper away from each
25 other, and there will be a strip of lithium metal inside there.

1 There it is.

2 Q. What, which piece there? What color? Is that the --

3 A. That real shiny.

4 Q. -- tray?

5 A. Yeah. It's, again, they are all real shiny like that. But
6 you saw how dark the ones we had in the container. That was
7 just within an hour, because it starts to oxide.

8 Q. Now, what's going on here?

9 A. Again, we're just illustrating how it will ignite with just
10 a few spritz of water.

11 Q. Okay. That was the guy with the squirt gun?

12 A. Yes. We were also measuring the heat of the fire, because
13 we know that lithium burns hot and very rapid. And so there
14 was a firefighter off the scene with a device to measure how
15 much heat was coming off there.

16 Q. Okay. Detective Lieutenant, based on your training and
17 experience and involvement in many, what sounds like many meth
18 lab investigations, you've come across many of these common
19 household goods that, that are used to make meth?

20 A. That is correct.

21 Q. And are you prepared to provide, to provide an opinion as
22 to certain items that may be found in the home or be found in a
23 search as to whether or not they were consistent or
24 inconsistent with the production of meth?

25 A. Yes.

1 MR. STRAUS: Your Honor, approaching the witness?

2 THE COURT: Yes, sir.

3 MR. STRAUS: Let the record reflect that I've just
4 placed before the witness several one-page documents that are
5 marked as proposed Government Exhibits 53-35 through 53-43
6 inclusive.

7 MR. SATAWA: I'm sorry. Mr. Straus, can I get those
8 numbers again?

9 MR. STRAUS: 53-35 through 43.

10 MR. SATAWA: Thank you.

11 MR. STRAUS: And the second grouping, 53-45 through
12 53-51. 45 through 51. Okay?

13 THE COURT: Are these previously admitted or sought to
14 be?

15 MR. STRAUS: I will.

16 THE COURT: Sought for admission?

17 MR. STRAUS: Yes, your Honor.

18 THE COURT: Okay.

19 BY MR. STRAUS:

20 Q. Sir, have you had an opportunity to take a look at those
21 documents?

22 A. Yes, I have.

23 Q. And in fact, you saw those in my office about a week or so
24 ago?

25 A. Yes, sir.

1 Q. And are you prepared to offer an opinion as to whether or
2 not those items are useful or consistent with the production of
3 meth, if found at a certain location?

4 A. Yes.

5 MR. STRAUS: Your Honor, at this time, subject to I
6 guess provisionally, we would move into evidence proposed
7 Government's Exhibit 53-35 through 53-43 inclusive and 53-45
8 through 53-51 inclusive, subject to tie-in later
9 foundationally.

10 THE COURT: In terms of where such objects may have
11 been found or --

12 MR. STRAUS: That's correct, your Honor.

13 THE COURT: Hearing no objection --

14 MS. STOUT: No objection.

15 MR. SABBOTA: No objection.

16 MR. DALY: No objection.

17 THE COURT: I hear affirmatively no objection, indeed,
18 and they may be received on that basis.

19 (Exhibit 53-35 - 53-43 and 53-45 - 53-51 received,
20 12:16 p.m.)

21 MR. STRAUS: Your Honor, at this time I'd ask the
22 paralegal to publish Government's Exhibit 53-35.

23 BY MR. STRAUS:

24 Q. Again, was this an example of, and do you have an opinion
25 as to whether or not this is consistent with production at a

1 meth lab?

2 A. Yes. Yes, sir. This is another style of Coleman fuel,
3 again, a solvent that's commonly used in your meth cooks.

4 Q. And in fact, there's two types of containers that Coleman
5 fuel comes in?

6 A. That is correct. Your one-gallon size that pretty much
7 everybody is used to seeing is one type. And then this is what
8 they consider premium Coleman fuel. But again, it's Coleman
9 fuel all the same; a different color. It's got kind of a
10 reddish-pinkish dye to it, added to it.

11 Q. Okay. Directing your attention to Government Exhibit
12 53-36.

13 And again, can you offer an opinion as to whether or
14 not that would be useful during a meth lab operation?

15 A. Yup. Sodium hydroxide, lye, again, is used in the red
16 phosphorus style of meth cook, as well as the one pot meth
17 cook.

18 Q. And just so, just so that the jury knows, when we ended on
19 the second meth production method, the one pot method with the
20 two orange-suited gentlemen, there was a further step that
21 needed to be gone through, correct?

22 A. That is correct.

23 Q. And that's the gassing, that's the dropping of the
24 methamphetamine from the solvent liquid, correct?

25 A. That is correct. Again, whether it's the anhydrous ammonia

1 method, the red phosphorus, or that one pot method, the last
2 stage is always going to be introducing the hydrogen chloride
3 gas to change that meth oil into the powdered methamphetamine.

4 Q. Directing your attention to 53-37 Government Exhibit.

5 A. The tubing, again as you saw in the pictures, the tubing is
6 typically used and found at scenes. It's used in the gas
7 generator, the last stage, again, where they'll attach it to
8 the bottle that contains the acid and the salt. So we
9 typically see this type of tubing at the lab scenes.

10 Q. So it sounds, I think what the jury is hearing, there are
11 two stages, at least to the one pot method of meth production?

12 A. Two stages?

13 Q. Two stages. There's the shake and bake in the 2-liter
14 bottle, and there's a later gassing-off, I think is the term
15 you used?

16 A. And that will occur in all three cooks.

17 Q. And in terms of the latter, the shake and bake, does that
18 have to happen, the second stage, immediately after the first,
19 or is there oftentimes a delay or other types of strategic
20 reasons why that would not happen immediately?

21 A. They can do it immediately; they can do it hours later. It
22 doesn't really make a difference. Sometimes, and we have found
23 that they'll go through that cooking process and then transport
24 that meth oil to another location before they'll gas it off for
25 whatever reason. So it doesn't have to be done immediately,

1 but they do have to do that stage, again, to change it from the
2 meth oil to the powdered meth.

3 Q. Directing your attention to Government's Exhibit 53-38. Is
4 this an example of the cut-up batteries?

5 A. Yes, sir.

6 Q. Directing your attention to Government's Exhibit 53-39?

7 A. Again, these are the insides of the battery.

8 Q. What is the, what is the white material? Is that a filler
9 of some sort?

10 A. It's, it's just a type of paper that's in there. It's not
11 the actual lithium strip, even though it kind of looks like it.
12 It's just the type of paper that it's wrapped in.

13 Q. Okay. And it acts as a separator or a insulator of sorts?

14 A. Yes, sir.

15 Q. Directing your attention to 53-40, blister packs you've
16 talked about already?

17 A. Yes. Typically found at meth labs, again, that contain the
18 over-the-counter cold decongestants medications that contain
19 ephedrine or pseudoephedrine in them.

20 Q. Let me direct your attention to 53-41. I don't know if we
21 talked about this, but is this, in your opinion, is this
22 something that is necessary or is it something that is
23 frequently found or never found at meth lab sites?

24 A. It's found sometimes, but not necessarily all the time.

25 And it's not necessary.

1 Q. Is it advisable?

2 A. This would only be for protection. I know we would wear
3 the gloves when we're dismantling the labs. So you may have
4 some folks that are producing meth that are trying to take some
5 precautions. But it has -- it's not necessary for the meth
6 production.

7 Q. Let me direct your attention to 53-42. I don't know if we
8 covered this. Do you recognize that package?

9 A. I do.

10 Q. What is that?

11 A. That's the package from an instant cold compress.

12 Q. Is that something you can buy at the pharmacy?

13 A. You can buy it at a pharmacy. You can buy it at Walmart,
14 Meijer's, sporting good stores.

15 Q. And what is the thing of value that is sought in that
16 package?

17 A. Just like there was so much attention with the red
18 phosphorus in limiting the how you can get that, similar things
19 occurred with the anhydrous ammonia. Some laws were put into
20 place making it harder for the meth cooks to obtain anhydrous
21 ammonia. So they've gone to this new style, the one pot
22 method.

23 And in the one pot method, they have to use an ammonia
24 source, either ammonium nitrate or an ammonium sulfate. And
25 that comes in just regular plant fertilizers. Your Jobe's tree

1 spikes is a source of ammonium nitrate. But one of the most
2 favored ones we see quite often are these injury cold
3 compresses. They contain two things in them. They contain
4 ammonium nitrate and an ampule of water. So when you break
5 that ampule of water and it saturates the ammonium nitrate, it
6 makes it instantly cold.

7 So these meth cooks either buy or steal these injury
8 cold packs, cut them open and just use the ammonium nitrate
9 that's in these cold packs for one pot meth cooks.

10 Q. All right. Directing your attention to Government Exhibit
11 53-43.

12 A. Again, you saw it not only in the video but also the Power
13 Point, the regular table salt that's used to mix with the acid
14 to produce the hydrogen chloride gas.

15 Q. Let me ask you this: When you have encountered suspected
16 meth labs in the course of your duties, are there certain
17 quantities of these common household goods, or their placement
18 or their storage, that, that lend themselves more to a
19 conclusion that they are being used in a clandestine meth lab?

20 A. Absolutely.

21 Q. Can you explain that?

22 A. Well, again, like I said, a lot of the stuff has legitimate
23 uses. Like I said, you probably have half the stuff in your
24 own homes. But when you go into a meth lab, some of the unique
25 things that we see, for example, muriatic acid typically is

1 used if you have a swimming pool. But one of the first things
2 I look, if I find five or six gallons of muriatic acid is where
3 is the pool? Because, again, there's no reason to have that
4 much of that muriatic acid.

5 I've seen solvents, i.e., your Coleman fuels, your
6 ethers that are taken out of the original containers, put in a
7 water bottle, a Mason jar, and stored in the refrigerator.
8 Again, nobody stores solvents in refrigerators. And if they
9 are doing that, and I've seen that, I guarantee you the food is
10 going to be contaminated.

11 Same thing with the acids. They'll take the acids out
12 of the original containers and put them in Mason jars, water
13 bottles, and store those in areas that you typically would not
14 see them.

15 The Sudafed pills, typically don't take them out of
16 the blister pack until you're going to take two pills for a
17 dosage. Well, all the pills will be popped out of the blister
18 packs. I've seen them store hundreds of pills in the food
19 pantry. Again, not typical places that you would store that
20 type of stuff. So that does play into the determinations that
21 we make during our investigations.

22 Q. Let me direct your attention to 43-45. I only have a few
23 more of these. I think you mentioned this earlier, MSM. This
24 has a legitimate use?

25 A. Yeah. It's, as you see, it's a nutritional supplement.

1 And we see this a lot at meth labs. Again, they use it as a
2 cut to put it in their finished meth. Again, all it is, is to
3 make their two ounces or two grams of meth four grams of meth
4 type situation. So that's all it's used for.

5 Q. Direct your attention to 53-46. This is the same thing.

6 This is an unopened, what appears to be the same thing
7 you talked about, the compress pack?

8 A. Yup. Injury cold pack, yup.

9 Q. 53-47, is this, is this an acidic or a base type of caustic
10 chemical?

11 A. Acidic. It's an acid, again, to use in the gas generator
12 with the salt.

13 Q. Directing your attention to Government Exhibit 53-48.

14 A. Coffee filters, again, as you saw on the video, they use in
15 different stages of meth cook to filter out solids from
16 liquids. Again, used quite a bit.

17 Q. Directing your attention to 53-49.

18 A. This kind of goes along with the photograph of the gloves.
19 It's more or less used for protection.

20 Q. How often do you see these masks?

21 A. Actually, not very often.

22 Q. All right. I'm going to direct your attention to 53-50.

23 What's -- what, if anything, is unique about that and
24 how would that relate to the production of meth?

25 A. Well, again, they'll use the funnels, especially if they

1 were adding the, I would call them ingredients, the different
2 items that they are mixing together to produce methamphetamine.
3 If they are adding them to a 2-liter pop bottle or other type
4 of reaction vessel they may use, again, they'll use the filters
5 to help pour that stuff in there.

6 Q. Okay. And we can end on 53-51.

7 A. Same thing.

8 Q. Okay. Thank you.

9 MR. STRAUS: Your Honor, at this time I have no
10 further questions of the witness.

11 THE COURT: All right. Are there additional
12 questions, cross-examination?

13 MS. STOUT: Your Honor, I just have one quick
14 question.

15 THE COURT: Go ahead.

16 MS. STOUT: Thank you.

17 CROSS-EXAMINATION

18 BY MS. STOUT:

19 Q. Good afternoon, Lieutenant. Just a quick question about
20 the drug itself, methamphetamine.

21 A. Yes, ma'am.

22 Q. It's a very addictive drug; is that true?

23 A. Yes, ma'am.

24 Q. So you could call it a seductive drug?

25 A. True.

1 Q. And becoming addicted to it is easy, correct? It doesn't
2 take a lot of doses to get --

3 A. Everybody is -- yup, everybody's body is different, react
4 differently. But it would not be uncommon for somebody to be
5 addicted after their first use.

6 Q. Okay. And because it's so addictive or seductive, whatever
7 term you want to use, it can cause you to engage in behaviors
8 you wouldn't normally or necessarily want to behave in; is that
9 correct?

10 A. That's correct. That's a fair statement.

11 Q. People will lie to get their drug, won't they?

12 A. Yes. They'll do just about anything.

13 Q. Cheat?

14 A. If they are addicted.

15 Q. Cheat? Steal?

16 A. Sure.

17 Q. Sell their mom's TV?

18 A. Oh, yeah.

19 MR. STRAUS: Judge --

20 BY MS. STOUT:

21 Q. Prostitute their body?

22 MR. STRAUS: There may be a foundational --

23 THE WITNESS: Yes.

24 MR. STRAUS: -- predicate to this.

25 THE COURT: Possibly. I'm not entirely sure that this

1 was raised on direct, particularly. But you might want to --

2 MS. STOUT: Sure.

3 THE COURT: -- provide some additional foundation.

4 Also, you might want to lower the microphone, just a little bit
5 to yourself.

6 MS. STOUT: Sure.

7 THE COURT: Go ahead.

8 BY MS. STOUT:

9 Q. You said you've talked to many people who work in meth
10 labs. I'm assuming you've also talked to addicts?

11 A. Yes.

12 Q. In your investigation of methamphetamine distribution?

13 A. Yes.

14 Q. So you are familiar with things addicts do and feel; is
15 that accurate?

16 A. That's a fair statement.

17 Q. Okay. So that's how, how you would know what they would do
18 to get their drug?

19 A. From what they tell me, that's correct.

20 Q. Okay. And so they'd even prostitute themselves; is that
21 accurate?

22 A. It's possible, yes.

23 MS. STOUT: Thank you, sir.

24 THE COURT: Any other proposed cross-examination? I
25 see none.

1 MR. SABBOTA: None, your Honor.

2 THE COURT: I see none. And Mr. Straus, anything
3 else?

4 MR. STRAUS: No, your Honor.

5 THE COURT: The witness may be excused.

6 MR. STRAUS: Thank you.

7 (Witness excused, 12:29 p.m.)

8 THE COURT: Next?

9 MR. MAIATICO: Your Honor, perhaps this is a good time
10 for a brief recess, so we can address some issues with the
11 Court?

12 THE COURT: All right. We have about one more hour of
13 work that we can do today. I will recess you briefly, ladies
14 and gentlemen. I think we'll prepare another witness here.

15 So escort yourselves, please, back to the jury rooms.

16 (Jury out, 12:29 p.m.)

17 THE COURT: All right. The jury is absent. Be
18 seated.

19 Mr. Maiatico? Mr. Maiatico? Everybody else should be
20 seated. Not you. What do you have?

21 MR. MAIATICO: So, your Honor, two things. Number
22 one, we intend to call the next witness, Gerald Peters, to the
23 stand. I was notified earlier that there may have been a
24 health issue. There was a welfare check done by the U.S.
25 Marshals. I've not gotten a report back about his condition,

1 but I wanted to --

2 THE COURT: Is he in custody?

3 MR. MAIATICO: He is in custody right now.

4 The other thing was it may take a little bit of time
5 to bring him up from custody. We were told this morning that
6 that process should not take as long as it took yesterday.
7 There were unique circumstances yesterday.

8 THE COURT: Okay.

9 MR. MAIATICO: It should be within 5 to 10 minutes.

10 THE COURT: Five minutes is good.

11 MR. MAIATICO: Okay. And then the final issue is --

12 THE COURT: Have you pushed the button yet?

13 MS. MOHSIN: Yes.

14 MR. MAIATICO: We have pushed the button.

15 THE COURT: Thank you.

16 MR. MAIATICO: The final thing is I spoke to Mr. Daly
17 this morning about the intention to call Gerald Peters. And he
18 raised an issue of an outstanding motion that may be relevant
19 to this witness. I wanted to make sure that that issue was
20 resolved before the witness takes the stand, if Mr. Daly
21 intends to raise that issue.

22 THE COURT: What's the unresolved, possibly unresolved
23 motion?

24 MR. DALY: This has to do with the disclosures of the
25 presentence investigation report to the Court in camera to view

1 it, to see if there's any *Brady* or *Giglio* materials in the
2 presentence report.

3 THE COURT: Does it exist?

4 MR. DALY: Yes. The Government has, I believe, a copy
5 of that. I'd ask that they turn it over for your review. And
6 you --

7 THE COURT: Do you have a copy?

8 MR. MAIATICO: We do have a copy, your Honor.

9 THE COURT: Do you want to tender it up here?

10 MR. DALY: Thank you.

11 MR. MAIATICO: Our view, your Honor, if I may?

12 THE COURT: Yes.

13 MR. MAIATICO: Is that it's up to the Government to
14 make these disclosures. It's within our purview to review
15 these for the necessary disclosure obligations.

16 THE COURT: True.

17 MR. MAIATICO: We will have multiple witnesses that
18 have these PSR's. In terms of setting a precedent, I want the
19 Court to be aware that there are more witnesses that have
20 presentence reports. I'm happy to provide this copy to the
21 Court.

22 THE COURT: Let me ask this. If a presentence report
23 contains a statement that is directly attributed to a
24 defendant, irrespective of *Brady* and *Giglio* --

25 MR. MAIATICO: Then that would be --

1 THE COURT: -- wouldn't that -- do you think that
2 would be disclosable or not?

3 MR. MAIATICO: Well, your Honor, if it's verbatim --

4 THE COURT: It's what?

5 MR. MAIATICO: If it's a verbatim description --

6 THE COURT: Yeah, right, quote. It starts with a
7 quotation mark. The defendant presented this statement, this
8 statement and then quote. And then goes on for three or four
9 lines. Sometimes that's in reports and sometimes it's not. If
10 it's in a report, I mean, is it disclosable irrespective of
11 *Brady* or *Giglio*?

12 MR. MAIATICO: The Government did, or your Honor, the
13 Government believes that would then be Jencks material that
14 would be disclosable, if not disclosed in some other fashion.

15 THE COURT: Is there any such thing in the instant
16 report?

17 MR. MAIATICO: In terms of quotations, your Honor, I,
18 I don't want to represent to the Court that that's the case in
19 terms of quotes without looking at it very briefly.

20 THE COURT: Okay.

21 MR. DALY: Your Honor, and our position goes beyond
22 just what may be in quotations. As long as it's attributed to
23 the person making the statement, it would be the same as a
24 police report. We're also looking for other information
25 regarding drug use and criminal history, Judge, both.

1 THE COURT: Well, as Mr. Maiatico said, it is the
2 Government's obligation, not the Court's.

3 MR. DALY: Well, I've cited in the brief, there is
4 case law in the Sixth, I think it's the Sixth Circuit that,
5 that the appropriate procedure is for you to review it, Judge.

6 THE COURT: Well, are there limits on that? Do I --
7 does the judge have to sift through all of the 10,000 exhibits
8 to search for *Brady* or *Giglio* material?

9 MR. DALY: No. We're talking about one document.
10 We're talking about a presentence investigation report that
11 you --

12 THE COURT: What is the principal dividing line
13 between that and all other forms of documents?

14 MR. DALY: Well, the dividing line is that the
15 document is confidential. I don't have access to it. So it's
16 disclosed to you, and you make a determination that it is
17 information that the defense should know, then you would let us
18 know. If not, you can seal it and we can deal with it later,
19 if necessary, on appeal.

20 THE COURT: So what does your review reveal, Mr.
21 Maiatico?

22 MR. MAIATICO: Your Honor, there's nothing in the
23 presentence report that contains quotations, direct statements
24 of Mr. Peters in this report.

25 THE COURT: Okay. What's your case citation?

1 MR. DALY: Judge, I don't have the motion with me.

2 THE COURT: Is it your No. 991? Docket No. 991?

3 That's --

4 MR. DALY: It may be.

5 THE COURT: That's a motion to exclude, actually, not
6 to include information.

7 MR. MAIATICO: And your Honor, the Government would
8 rely on, I don't have the citations here, but well-established
9 precedent under *Pennsylvania v. Richey* in Supreme Court and
10 *U.S. v. Presser* in the Sixth Circuit, in terms of the
11 obligation of the Government and for the Court not to intervene
12 in such --

13 THE COURT: Those are fundamental, *Presser*, and the
14 other one was?

15 MR. MAIATICO: *Pennsylvania vs. Richey*, Supreme Court.

16 THE COURT: Says that, that *Brady* and *Giglio* are not
17 an invitation to expand discovery, right?

18 MR. MAIATICO: It's, it's the -- I cite those two for
19 the precedent that it is the Government's responsibility, it's
20 our determination and the Court should not get involved unless
21 there's an issue which they can make a showing of.

22 THE COURT: Jackie Presser, wasn't it?

23 MR. MAIATICO: I'm sorry?

24 THE COURT: Jackie Presser, Mr. Straus confirms.

25 MR. MAIATICO: Yes, your Honor.

1 THE COURT: It's a name known in these environments,
2 maybe not in yours. Okay.

3 MR. DALY: So, Judge, this is a document that was
4 prepared by the Probation Department for the Court. It's
5 confidential. That takes it outside of the case law the
6 Government just cited. It's totally different.

7 THE COURT: And you don't, you don't have your --

8 MR. DALY: I'm sorry.

9 THE COURT: -- your motion or your case?

10 MR. DALY: No. The Government did not file a written
11 response to this, Judge.

12 THE COURT: I thought that was just referred to,
13 relying on *Presser* and the other. No, that's just as a
14 general?

15 MR. MAIATICO: I'm providing that to you verbally
16 right now, your Honor. We did not file a written response on
17 this.

18 THE COURT: The fundamentals of this, this is what I'm
19 going to dispose of. The witness is on his way. Presumably
20 he's outside the door now, or should be, if he's not. You've
21 already pushed the button ten minutes ago. It's a five-minute
22 trip. Okay.

23 I'm going to rely on the fundamentals of *Brady* and
24 *Giglio* jurisprudence, which says just as Mr. Maiatico suggests,
25 that it is the Government's obligation, and they proceed at

1 their peril if they fail to abide by the standards that *Brady*
2 and *Giglio* stand for.

3 So I'm going to hand that responsibility or maintain
4 that responsibility on the Government's side of the case. And
5 I'm going to decline your invitation to review this, and
6 perhaps each and every other presentence report that may come
7 along to determine those things that you mentioned. That's in
8 the absence of persuasive case law to the contrary that
9 suggests that I ought to be doing this.

10 Do we have the witness?

11 MR. MAIATICO: We do, your Honor.

12 THE COURT: Let's go.

13 MR. DALY: Judge, then I'd ask that you provide some
14 procedure whereby the presentence reports that the Government
15 have, that they are placed under seal, Judge.

16 THE COURT: That may be appropriate. Now I've just
17 been handed a fresh printing of your --

18 MR. DALY: Thank you.

19 THE COURT: -- of your motion. And perhaps I'll be
20 able to take a look at, locate the case you're citing and read
21 it and compare it with *Presser* and the other law. And perhaps
22 there will be a different -- and perhaps a witness would have
23 to be called back to the stand for additional
24 cross-examination, so forth. It's not an incurable situation.

25 But at the moment, we're going to proceed on the basis

1 of regularly established law, which says -- which leads me to
2 conclude that I'm not going to do this.

3 Let's call the jury in.

4 Why don't you stand, why don't you stand down.

5 THE WITNESS: Stand down here?

6 THE COURT: Yes. Stand down by.

7 Jury?

8 (Jury in, 12:39 p.m.)

9 THE COURT: While the jury is being seated, I'll note
10 that there is not any Sixth Circuit authority. That's what was
11 said in the motion. No Sixth Circuit authority on this point.
12 But there's, there's a, what looks like an authority from
13 another circuit. I'm going to pull those cases and take a
14 look, Mr. Daly.

15 MR. DALY: Thank you.

16 THE COURT: All right. The jury has assembled and the
17 next witness has been produced. And, Mr. Maiatico, this is
18 your witness?

19 MR. MAIATICO: The Government calls to the stand Mr.
20 Gerald Peters. His testimony will be relevant to Count 1, the
21 RICO conspiracy, and Count 3, the methamphetamine conspiracy.

22 THE COURT: Raise your right hand, sir.

23 (Witness is sworn.)

24 THE COURT: Have a seat. Move that microphone out of
25 the way and get comfortable in the chair and pull the

1 microphone so it's pointing at you, please. Okay. That should
2 be good.

3 All right. Go ahead.

4 GERALD PETERS, JR.

5 called as a witness at 12:41 p.m., testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MAIATICO:

8 Q. All right. Good afternoon, Gerald.

9 A. Good afternoon.

10 Q. Mr. Peters.

11 Can you please state your full name for the record and
12 spell your last name?

13 A. Gerald Dale Peters, P-E-T-E-R-S, Junior.

14 Q. And Mr. Peters, how old are you?

15 A. Forty-two.

16 Q. And where did you grow up?

17 A. Southwest Detroit.

18 Q. Now, have you ever been a member of a motorcycle club?

19 A. Detroit Highwaymen.

20 Q. The Detroit Highwaymen. The Detroit chapter of the
21 Highwaymen?

22 A. It's the mother chapter, yes.

23 Q. Is that the, is that the chapter that you were a part of?

24 A. Yes.

25 Q. And when did you join the Highwaymen Motorcycle Club?

1 A. '98.

2 Q. How old were you then?

3 A. About 23, 24.

4 Q. And why did you join the Highwaymen?

5 A. Like a rite of passage.

6 Q. A rite of passage? Can you explain that to the jury?

7 A. Well, just, it was join the Latin Counts or be a
8 Highwaymen. That's all we seen in our neighbor. So I joined
9 the Highwaymen instead.

10 Q. So you said it's all you've seen in your neighborhood.
11 What was the reputation of the Highwaymen when you were growing
12 up?

13 A. They were the baddest ones on the street.

14 Q. And when you became a member, were they still the bad ones
15 on the street?

16 A. Yes.

17 Q. How long were a member of the Highwaymen?

18 A. From '98 to 2009.

19 Q. Is it customary for members of a motorcycle club to have a
20 nickname?

21 A. Yes.

22 Q. Or club name?

23 And what was your club name or nickname?

24 A. "Byrd."

25 Q. Byrd?

1 A. Byrd. Yup. B-Y-R-D.

2 Q. Now, were the Highwaymen involved in criminal activity?

3 A. Yes.

4 Q. Can you give us an example of the type of criminal
5 activities that the Highwaymen were involved in?

6 A. Drug trafficking, auto theft, motorcycles.

7 Q. Were the Highwaymen, and its members, ever involved in acts
8 of violence?

9 A. Yes.

10 Q. Assaults?

11 A. Assaults, yes.

12 Q. And did you hold any leadership roles in the Highwaymen
13 club?

14 A. I was the president and the national boss of, of the mother
15 chapter.

16 Q. Okay. You said you were the national boss at one point.
17 When was that?

18 A. 2003 to 2004.

19 Q. All right. And as the national boss -- you mentioned the
20 Detroit chapter. Are there other chapters of the Highwaymen?

21 A. Yes, there's different branches.

22 Q. Okay. And where are some of those located?

23 A. Kentucky, Florida, Tennessee, Cincinnati. There's still
24 some -- there's more in the outskirts of Michigan, too.

25 Q. All right. Now, as the national boss, did you have

1 authority over those other chapters?

2 A. Yes.

3 Q. Were members of the Highwaymen expected to follow orders
4 from you as the national president?

5 A. Yes.

6 Q. What kind of orders would you give? What kind of orders
7 would you give to members that they would be expected to
8 follow?

9 A. Anything that I said.

10 Q. So it wouldn't matter what you said?

11 A. No.

12 Q. They would have to follow it?

13 A. Correct.

14 Q. Would that include criminal activities?

15 A. Yes.

16 Q. If you gave certain orders, what kind of -- I want to ask
17 you this: What kind of orders then did you give?

18 A. I had a clubhouse burned down on the Southfield Service
19 Drive as a national boss.

20 Q. So you ordered certain members of the Highwaymen to do
21 that?

22 A. Yes.

23 Q. And do you remember what year that was?

24 MS. STOUT: Your Honor?

25 THE WITNESS: I believe it was 2004.

1 MS. STOUT: I'm going to object to relevance here,
2 please. Thank you.

3 THE COURT: Overruled. Thank you.

4 BY MR. MAIATICO:

5 Q. All right. Now, you mentioned that you were a national
6 boss, you were president of a chapter. Were there any other
7 roles that you had when you were in the Highwaymen club?

8 A. Yes. I was a master sergeant, vice president.

9 Q. You were a master sergeant. Was that one of your first
10 roles?

11 A. Yes.

12 Q. What did a master sergeant do?

13 A. He took care of the inside. It was like the police of the
14 club.

15 Q. Why were you given the role as a master sergeant?

16 A. Just how big I was.

17 Q. The way you held yourself?

18 A. Yeah.

19 Q. Now, let me talk about the Highwaymen and the uniforms that
20 you would wear. What -- or the clothing that you would wear.
21 What would a Highwaymen Motorcycle Club member wear?

22 A. Black Levis, black vests, black T-shirt, and black boots.

23 Q. Was there a vest or an emblem?

24 A. Yes. It was silver, painted on.

25 Q. Okay. Now, can you describe that in a little bit more

1 detail in terms of the vest? What material was it made of?

2 A. You would have your emblem on the back. The material was
3 leather. You have your emblem on the back that said "Detroit
4 Highwaymen" on it. Then on the front, you would have your
5 lightning rods, your name. Most of the time you have "HFFH" on
6 the top. That's "Highwaymen Forever, Forever Highwaymen."

7 Q. "Highwaymen Forever, Forever Highwaymen"?

8 A. Yup.

9 Q. All right. You also mentioned lightning rods you would
10 have on the front of that vest. What would those mean?

11 A. That means you put in work for the club.

12 Q. What does "putting in work" mean?

13 A. You hurt somebody.

14 Q. That means you beat someone up?

15 A. For club business, yes.

16 Q. Now, I think that the jury might be able to see that you
17 have some tattoos on your body?

18 A. Yes.

19 Q. Are some of those tattoos related to your association with
20 the Highwaymen Motorcycle Club?

21 A. Yes.

22 Q. For example, could you show the jury one of those tattoos?

23 A. I got the emblems here.

24 Q. All right. And --

25 A. This says "Highwaymen" all the way down here.

1 Q. So there's more -- you were showing the jury your left arm,
2 which is full of tattoos?

3 A. Yeah.

4 Q. Most of those tattoos relate to your association with the
5 club?

6 A. Yes.

7 Q. Now, I want to give the jury -- or I want you to give the
8 jury an understanding of the landscape of motorcycle clubs in
9 the Detroit area when you were a member of the Highwaymen
10 Motorcycle Club. What were some of the other active motorcycle
11 clubs in the Detroit area?

12 A. Devils Diciples, Jokers, Outlaws, Black Pistons, Broad
13 Jumpers.

14 Q. All right. And in terms of how these motorcycle clubs
15 interacted, were there some clubs that got along with each
16 other?

17 A. Yes.

18 Q. Were there some clubs that were -- you would describe as
19 maybe rivals or foes?

20 A. Yes.

21 Q. Now, for the Highwaymen, who were some of your friends?

22 A. Devils Diciples.

23 Q. Is "friends" the right word to use?

24 A. Associates.

25 Q. They were associates.

1 Is it fair to say that when you say "associates,"
2 these are motorcycle clubs where there was no bad feelings
3 between you?

4 A. Yes.

5 Q. All right. Now, what were some of the rival gangs of the
6 Highwaymen Motorcycle Club?

7 A. Outlaws.

8 Q. Were there other chapters or subchapters of the Outlaws
9 that you --

10 A. Black Pistons.

11 Q. You said the Black Pistons?

12 A. Black Pistons, yes.

13 Q. All right. And now, you mentioned the Devils Diciples
14 Motorcycle Club. You said that was one of your allies,
15 associates?

16 A. Yes.

17 Q. Now, the Devils Diciples, they also have friends and foes?

18 A. Yes. I'm not sure all of their friends, but they do hang
19 out with the Hells Angels, I know.

20 Q. All right. So the Devils Diciples and the Hells Angels
21 you've described as allies?

22 A. Yes.

23 Q. All right. And what were some of the, the rivals of the
24 Devils Diciples?

25 A. Outlaws.

1 Q. You mentioned the Black Pistons as a subchapter of the
2 Outlaws?

3 A. Yeah.

4 Q. Were they also a, a --

5 A. Yes.

6 Q. -- rival of the Devils Diciples?

7 A. Yes.

8 Q. I'm going to ask you to let me finish asking the question
9 before you answer, just so the record is clear. All right, Mr.
10 Peters?

11 Sir, are you familiar with something called the
12 Federation?

13 A. Yes.

14 Q. Is it might also be referred to as the Confederation of
15 Clubs?

16 A. Yes.

17 Q. All right. Can you tell the jury what the Confederation of
18 Clubs is?

19 A. It's a combined effort of all the different clubs that are
20 together against certain clubs. That's what the Federation is
21 about. They protect each other against clubs like the
22 Highwaymen, Devils Diciples, and like that.

23 Q. What motorcycle clubs in the Detroit area were part of this
24 Federation?

25 A. The Outlaws ran the Federation. At my time, they ran it.

1 Q. Okay.

2 A. You had the Jokers, Broad Jumpers. There was a lot.

3 Q. Were the Devils Diciples part of this Federation?

4 A. No.

5 Q. Okay. Now, if a group or a motorcycle club wanted to move
6 into the area, open up a club, what would they need to do in
7 order to --

8 A. Ask permission.

9 Q. Who would they need to ask permission of?

10 A. Detroit Highwaymen.

11 Q. Now, you say they would just need to ask permission of the
12 Highwaymen. Is that because you were the top dogs of the, I
13 think as you described earlier, the bad asses?

14 A. Yes.

15 Q. All right. Would those newly formed clubs need to ask
16 anyone else's permission?

17 A. Not that I'm aware of.

18 Q. So, Mr. Peters, without telling us the specific facility
19 you're in, where do you currently reside?

20 A. PA.

21 Q. And what does that mean?

22 A. Pennsylvania.

23 Q. All right. And what type of facility are you in?

24 A. Prison.

25 Q. All right. I guess that's by a give-away, you're wearing

1 your prison clothes today; is that right?

2 A. Yes. Well, these are county clothes.

3 Q. Okay. Are you serving a criminal sentence?

4 A. Yes.

5 Q. And what crime were you convicted of?

6 A. RICO, act 1.

7 Q. Okay. Now, you say "RICO, act 1." Do you know what "act
8 1" means?

9 A. No, not really.

10 Q. You're not an attorney?

11 A. No.

12 Q. Okay. But do you understand what crimes you admitted to
13 when you were convicted of this crime?

14 A. Yes.

15 Q. I guess I should ask, did you plead guilty to the crime or
16 did you go to trial?

17 A. I pled guilty.

18 Q. Okay. So what were the underlying crimes that you agreed
19 that you committed?

20 A. Drug trafficking and arson.

21 Q. Now, the arson I think you already spoke about. Is that
22 the arson that you're --

23 A. Yes.

24 Q. -- talking about here?

25 And can you explain what that was again?

1 A. I, I made -- I asked two members to blow up a clubhouse for
2 me.

3 Q. And you also said it was something related to narcotics?

4 A. Well --

5 Q. The other crime?

6 A. Yeah, my other crime. Yes.

7 Q. And can you tell us what type of narcotics that was?

8 A. Cocaine trafficking.

9 Q. Okay. So you trafficked cocaine?

10 A. Yes.

11 Q. And for how long did you do that?

12 A. From '98 to 2007.

13 Q. And this RICO charge, was this related to your membership
14 with the Highwaymen Motorcycle Club?

15 A. Yes.

16 Q. Now, when you were first arrested on that RICO case, did
17 you at some point begin cooperating with law enforcement?

18 A. Yes.

19 Q. And what year was that; if you remember?

20 A. 2009.

21 Q. And when you began cooperating with law enforcement, you
22 provided information against other Highwaymen members; is that
23 correct?

24 A. Correct.

25 Q. Now, did you also meet with Agent Bill Fleming, do you see

1 sitting here in the courtroom, regarding the Devils Diciples?

2 A. Yes.

3 Q. How many times did you meet with him?

4 A. Once.

5 Q. And as you were cooperating against the Highwaymen, did you
6 do any other sort of proactive cooperation?

7 A. Yes.

8 Q. And what type of cooperation did you do?

9 A. I talked to Mr. Fleming about the Devils Diciples.

10 Q. Okay. And at any point, did you ever wear a wire?

11 A. Yes.

12 Q. Now, just so the record is clear, when you wore the wire,
13 what was that for?

14 A. The Highwaymen.

15 Q. Okay. And were you provided with any sort of payments in
16 regards to your cooperation against the Highwaymen?

17 A. No.

18 Q. All right. Now, at some point you were provided with money
19 to pay your bills; is that correct?

20 A. Correct.

21 Q. At any time, were you asked to relocate?

22 A. Yes.

23 Q. And why was that?

24 A. Because there was fear for my safety.

25 Q. And what -- is it because you feared for your safety?

1 A. No.

2 Q. Others feared for your safety?

3 A. Others feared for my safety, yes.

4 Q. You felt you could take care of yourself?

5 A. Yes.

6 Q. So when you were relocated, was your relocation paid for?

7 A. Yes.

8 Q. In terms of your cooperation against Highwaymen, did you
9 testify in any trials?

10 A. Yes.

11 Q. You testified against members of the Highwaymen?

12 A. Yes.

13 Q. How many, how many trials did you testify in?

14 A. Three.

15 Q. Now, before you testified, did the prosecutors in that case
16 make any promises to you?

17 A. No.

18 Q. Did they provide you with any benefits in exchange for your
19 testimony?

20 A. No.

21 Q. And at your sentencing, did the prosecutors recommend
22 anything in terms of your final sentence to the court?

23 A. A downward departure.

24 Q. So they recommended a lesser sentence?

25 A. A lesser sentence.

1 Q. Do you know what they recommended to the Court?

2 A. Five years.

3 Q. That was up to the prosecutors to determine your sentence?

4 A. No.

5 Q. Who was it up to?

6 A. The judge.

7 Q. And what did the judge sentence you to?

8 A. 24 months, three years' supervised release.

9 Q. Now, again, just so the record is clear, your cooperation
10 in that RICO case against the Highwaymen, that's separate from
11 the case that we're here for today; is that correct?

12 A. Yes.

13 THE COURT: Let's also point out it was a different
14 judge, shall we?

15 BY MR. MAIATICO:

16 Q. It was a different judge?

17 A. Yes.

18 Q. It was different prosecutors?

19 A. Yes.

20 Q. Different federal agents?

21 A. Yes.

22 Q. And have you been made any promises or offered any benefits
23 from any of the prosecutors in this case --

24 A. No.

25 Q. -- in return for your testimony?

1 MR. SATAWA: Objection. Your Honor, that would be
2 misleading under 403.

3 THE COURT: I don't see why. Overruled.

4 BY MR. MAIATICO:

5 Q. Have you been offered any benefits or made any promises by
6 the prosecutors on this case?

7 A. No.

8 Q. Have you been made any promises by the agents, the federal
9 agents on this case?

10 A. No.

11 Q. Have you talked to the judge before in this case?

12 A. No.

13 Q. Why are you testifying here today?

14 A. It's the right thing to do.

15 Q. All right. Well, let's, let's move on and talk about how
16 you know -- you mentioned the Devils Diciples Motorcycle Club.
17 Let's talk about how you know them.

18 When was the first time you started hanging out with
19 members of the Devils Diciples?

20 A. I believe it was early 2000s.

21 Q. Just about the same time you joined the Highwaymen?

22 A. Yes.

23 Q. And how were you introduced to these members of the Devils
24 Diciples?

25 A. Anthony, Anthony Clark.

1 Q. And who is Anthony Clark?

2 A. At that time, he was -- he's a member of the Detroit
3 Highwaymen.

4 Q. And did he, at some point, hold any leadership positions
5 with the Highwaymen?

6 A. Yes. He was the national boss.

7 Q. I'd like to show you what's been marked as proposed
8 Government's Exhibit 64-11.

9 Mr. Peters, do you recognize that photograph?

10 A. Yes.

11 Q. Who is that a photograph of?

12 A. Anthony Clark.

13 Q. All right.

14 MR. MAIATICO: Your Honor, I would ask that that photo
15 be admitted into evidence, and publish to the jury.

16 THE COURT: Without objection?

17 MR. SABBOTA: No objection, your Honor.

18 MR. SATAWA: What was the number?

19 THE COURT: Received, 64-11.

20 (Exhibit 64-11 received, 12:58 p.m.)

21 MR. MAIATICO: All right. 64-11? If I can get my
22 photograph back.

23 I'll publish it to the jury this way.

24 THE COURT: That's fine. The old-fashioned way. All
25 right.

1 BY MR. MAIATICO:

2 Q. All right. So you said that through Mr. Clark you were
3 introduced to some of the Devils Diciples. Where would you see
4 some of these members?

5 A. At their clubhouse and ours.

6 Q. And before, you said that the Devils Diciples and the
7 Highwaymen, you were associates, so you went to each other's
8 parties?

9 A. Yes.

10 Q. All right. And what clubhouses of the Devils Diciples did
11 you go to?

12 A. The one in Mount Clemens.

13 Q. All right. And that was for a party?

14 A. Yes.

15 Q. All right. And would members of the Devils Diciples come
16 to the Highwaymen parties?

17 A. Yes.

18 Q. And where were those located?

19 A. The various ones that we had in the mother chapter in
20 Detroit, or the east side.

21 Q. Now, when you would -- can you give us a time frame of when
22 you would go to these parties?

23 A. At nighttime usually.

24 Q. All tight. And in terms of the years, this is while you
25 were a member?

1 A. Yes.

2 Q. So when you would go to the parties at the Devils Diciples,
3 would there be -- would you observe any controlled substances?

4 A. Yes.

5 Q. And what would you observe?

6 A. Well, it was methamphetamine.

7 Q. Now, you said you saw methamphetamine. Was that at every
8 one of the parties that you went to with the Devils Diciples?

9 A. Yes.

10 Q. What would you say is the prevalence of methamphetamine
11 amongst members of the Devil Diciples?

12 A. That's all they, that's all they used.

13 Q. Did the Devils Diciples have a reputation in terms of this
14 controlled substance?

15 A. Yes.

16 Q. What was that reputation?

17 A. I never seen it until them.

18 MR. DALY: I'm going to object. There's no foundation
19 for this and it's not relevant, both.

20 THE COURT: I disagree. I think the witness'
21 explanation and background is sufficient foundation.

22 Proceed.

23 BY MR. MAIATICO:

24 Q. I think my question was, what was the reputation of Devils
25 Diciples in terms of controlled substance use.

1 A. They sold, they sold the methamphetamine.

2 Q. First I said "use," and you're saying they sold
3 methamphetamine?

4 A. Yeah.

5 Q. So they not only used it, but they also distributed it; is
6 that correct?

7 A. Yes.

8 Q. Now, can you tell us about some of the names of the Devils
9 Diciples members that you knew, that you would see at parties?

10 A. Yes. Billy Wadd, Roach, Spike, Stevo.

11 Q. All right.

12 A. And Scotty Z.

13 Q. Now, you mentioned the name Scotty Z. Do you know Scotty
14 Z's real name?

15 A. No.

16 Q. I'm going to ask you to take a look around the courtroom.
17 Do you see the individual that you identify as Scotty Z in the
18 courtroom today?

19 A. Yes.

20 Q. And can you point him out?

21 A. Right there. (Pointing.)

22 Q. And can you tell us what he's wearing?

23 A. The black suit.

24 Q. All right.

25 MR. MAIATICO: For the record, your Honor, the witness

1 has identified the defendant, Scott, known as Scotty Z to the
2 witness.

3 THE COURT: Noted. Go ahead.

4 BY MR. MAIATICO:

5 Q. Sir, you also mentioned an individual by the name of Billy
6 Wadd?

7 A. Yes.

8 Q. I'm going to show you Government's Exhibit 64-61, proposed
9 government exhibit.

10 And do you recognize the individual in that
11 photograph?

12 A. Yes.

13 Q. And who is that?

14 A. That's Billy Wadd.

15 MR. MAIATICO: Your Honor, I ask that be received into
16 evidence and published to the jury.

17 THE COURT: Without objection, received.

18 (Exhibit 64-61 received, 1:01 p.m.)

19 THE COURT: Again, the number?

20 MR. MAIATICO: That is Government Exhibit 64-61,
21 identified as Billy Wadd.

22 BY MR. MAIATICO:

23 Q. All right. And did there come a time, Mr. Peters, when the
24 Devils Diciples and the Highwaymen had a party at a -- had a
25 joint party or had a party together?

1 A. Yes.

2 Q. How many times did you do that?

3 A. My recollection is once.

4 Q. Was there a name for that party?

5 A. The black and blue party.

6 Q. Do you remember when you had that black and blue party?

7 A. Early 2000s.

8 Q. When you say "black and blue," what does that refer to?

9 A. That's the colors we wore.

10 Q. So --

11 A. Highwaymen was black, Devils Diciples wore blue.

12 Q. So the Devils Diciples often referred to themselves --

13 refer to the color blue to associate with their club?

14 A. Yes.

15 Q. Now, you mentioned an individual by the name of Scotty Z
16 who you pointed out in the courtroom. When did you first meet
17 Scotty Z?

18 A. Early 2000's.

19 Q. How were you introduced to him?

20 A. By other members of the Highwaymen.

21 Q. Did you know him to be a member of the Devils Diciples at
22 that time?

23 A. At that time, yes.

24 Q. All right. Was he a member of other highway -- or I'm
25 sorry. Was he a member of another motorcycle club at any point

1 in time?

2 A. In '09 he was a member of the Highwaymen.

3 Q. So in 2009, Scotty Z became a member of the Highwaymen?

4 A. Yes.

5 Q. But back when you were introduced to him, he was a member
6 of the Devils Diciples?

7 A. Yes.

8 Q. And did he hang out with other members of the Devils
9 Diciples?

10 A. Yes.

11 Q. Now, did there come a time when Scotty Z helped you out in
12 the early 2000s, late 1990, in an incident that you were
13 having?

14 A. Yes.

15 Q. Can you describe that incident?

16 MR. DALY: Your Honor, I object. This is outside the
17 allegations and scope in the indictment. There's been no
18 404(b) notice.

19 MR. MAIATICO: Your Honor, this is relevant to the
20 RICO enterprise.

21 MR. DALY: I'm sorry. It's not one of the overt acts,
22 Judge.

23 THE COURT: I'm not sure that it has to be in order to
24 be relevant.

25 Overruled. I'll receive the evidence.

1 BY MR. MAIATICO:

2 Q. All right. So at this time when Scotty Z helped you out
3 with this incident, do you know him to be a member of or
4 associating with Devils Diciples?

5 A. Yes.

6 Q. And can you describe that incident?

7 A. Yes. He scared some -- some guy was messing with my
8 girlfriend, and BJ said that Scotty Z would handle it.

9 MR. DALY: Objection. Hearsay.

10 THE COURT: I'm not hearing hearsay just yet, but you
11 should proceed with a question and answer.

12 MR. MAIATICO: I will. Thank you, your Honor.

13 BY MR. MAIATICO:

14 Q. Let's break that down for a second. So at first, you said
15 that someone was messing your girlfriend?

16 A. Yes.

17 Q. Is that correct?

18 A. Yes.

19 Q. What do you mean by "messing with your girlfriend"?

20 A. Bust her windows out of her car and stuff.

21 Q. Were you concerned about this?

22 A. Yes.

23 Q. And were you looking for someone to -- first of all, did
24 you take care of the situation yourself?

25 A. No. I used somebody outside.

1 Q. Why did you do that?

2 A. So it wouldn't bring the heat to the club, to our club.

3 Q. All right. And did someone suggest another person to help
4 you with the situation?

5 A. Yes.

6 Q. And who was that person?

7 A. BJ.

8 Q. All right. And who did you suggest?

9 A. Scotty Z.

10 MR. DALY: Objection. It's hearsay, Judge.

11 THE COURT: No. It isn't. It's a verbal act.

12 Go ahead. Overruled.

13 BY MR. MAIATICO:

14 Q. All right. So once this Scotty Z came to your attention,
15 was suggested to help you out with this incident, what
16 happened?

17 A. Scotty Z took care of it.

18 Q. Now, how do you know that he took care of it?

19 A. He called me up and told me he did.

20 Q. All right. Now, when you say "took care of it," what does
21 that mean?

22 MR. DALY: Objection. Calls for speculation.

23 THE COURT: It does not. It is not objectionable.
24 Overruled.

25 Go ahead.

1 BY MR. MAIATICO:

2 Q. Can you answer the question?

3 A. He said the guy wouldn't bother us no more.

4 Q. All right. Did Scotty Z tell you exactly what he did?

5 A. He said he kicked the door in and scared the guy.

6 Q. And in return for that -- first of all, why would Scotty Z
7 do this for you?

8 A. Just from -- for drugs.

9 Q. So did you make an offer to him, for drugs in return for
10 doing this?

11 A. Yes.

12 Q. All right. And what did you provide him?

13 A. Quarter ounce of cocaine.

14 Q. Now, you said you were also friends with the Devils
15 Diciples as a Highwaymen. Was that a reason Scotty Z would do
16 it for you?

17 A. Yes.

18 Q. And at this time, you weren't the national boss?

19 A. No.

20 Q. What was your role in the Highwaymen at that point?

21 A. Just a regular member.

22 Q. All right. Moving on, I want to talk about an incident
23 that the Highwaymen had with the Jokers Motorcycle Club. You
24 had mentioned before the Jokers Motorcycle Club, correct?

25 A. Correct.

1 Q. All right. Now, sometime, calling your attention to a time
2 around 2002/2003, can you describe this incident that the
3 Highwaymen had with the Jokers?

4 A. The Devils -- there was two members, one member of the
5 Highwaymen and one member of the Devils Diciples was partying
6 at the Jokers'. And the Jokers bartender pulled a gun on him.

7 Q. Okay. And you said there was a member of the Devils
8 Diciples that was there. Do you remember who that was?

9 A. Stevo.

10 Q. And who was the Highwaymen that was there?

11 A. BJ.

12 Q. So BJ and Stevo were at the Jokers Motorcycle Club?

13 A. Yes.

14 MR. SATAWA: I'm going to object if this witness
15 doesn't have personal knowledge of the incident.

16 THE COURT: Well, I think that that invites you to lay
17 a foundation.

18 BY MR. MAIATICO:

19 Q. All right. Mr. Peters, how did you become aware of an
20 incident between -- with, with BJ and Stevo and the Jokers?

21 A. BJ called me that night after they took the gun from the
22 guy.

23 Q. Okay. Now, when BJ called you, first of all, why would he
24 call you?

25 A. Because I was vice president.

1 Q. And as vice president, what would you do?

2 A. I would give him an order what to do.

3 Q. So as vice president, do you have authority over other
4 members?

5 A. Yes.

6 Q. Would they have to listen to what you said?

7 A. Yes.

8 Q. Okay. And as a result of your conversation that you had
9 with BJ, what happened?

10 A. I told BJ to just take the gun and leave; we'll handle it
11 on another time.

12 Q. All right. And did you handle it at another time?

13 A. Yes.

14 Q. What did you do?

15 A. I got the guys together, and we met the Devils Diciples
16 there at the Jokers clubhouse.

17 Q. All right. So you immediately called the Devils Diciples.
18 Why did you do that?

19 A. Because their member was involved in it.

20 Q. And how many members of the Highwaymen then showed up at
21 the Jokers?

22 A. I believe it was about 15 Highwaymen and maybe about 10
23 Devils Diciples.

24 Q. Do you remember any of the names of the Devils Diciples
25 members who were there?

1 A. Billy Wadd was there, Stevo was there. I'm not really sure
2 on the other guys.

3 Q. All right. So what happened once you, once you arrived?

4 A. We went inside and talked to their president.

5 Q. Did that resolve the issue?

6 A. It did, for a minute. But we didn't believe it did.

7 Q. So what happened next?

8 A. We went over to a bar looking for some Joker members, that
9 they hung out at a bar over there in Brightmoor.

10 Q. When you say "we went over to a bar," do you mean members
11 of the Highwaymen and members of the Devils Diciples?

12 A. Yes.

13 Q. Do you remember what -- where this bar was located?

14 A. Brightmoor.

15 Q. Do you remember the name of the bar?

16 A. No, I don't.

17 Q. So you went to a bar in the Brightmoor section. You said
18 that both members of the Highwaymen, Devils Diciples were
19 looking for members of the Jokers. What was your intention?

20 A. To beat them up.

21 Q. And why were you going to beat them up?

22 A. Because of the gun incident.

23 Q. So what happens once you get to that bar in the Brightmoor
24 section?

25 A. I found one Joker that was a friend of mine I went to

1 school with. He was in plain clothes. So I told him to leave.

2 Q. What happened after that?

3 A. Then a fight broke loose.

4 Q. Who -- when the fight broke loose, who was the fight
5 between?

6 A. A Devils D disciple and a Highwaymen was beating up a guy.

7 Q. Now, were the Devils D disciples members also involved in
8 beating up a guy?

9 A. Yes.

10 Q. Do you remember who those individuals were, from the Devils
11 D disciples?

12 A. Stevo and BJ was beating the guy up.

13 Q. Now, were you right there when that was happening?

14 A. Yes.

15 Q. You were inside the bar?

16 A. Yes.

17 Q. Were you drinking at the time?

18 A. Yes.

19 Q. Were you on any other controlled substances at the time?

20 A. Cocaine.

21 Q. So your memory of this might be a little fuzzy; is that
22 correct?

23 A. Correct.

24 MR. SATAWA: Objection. Leading.

25 THE COURT: Overruled.

1 BY MR. MAIATICO:

2 Q. So once you see this assault happening, what happens next?
3 What do you do?

4 A. The bartender pulled a gun on us, so I pulled my gun and
5 shot a few times in the air and everybody ran out of the bar.

6 Q. Now, why would you shoot a few times in the air?

7 A. To make him drop his gun.

8 Q. So you had a gun. Do you always carry a gun on you?

9 A. Yes.

10 Q. Or did you at that time?

11 A. Yes.

12 Q. And so firing the gun in the air, did that work to make
13 people leave the bar?

14 A. Yes.

15 Q. Did it break up the fight?

16 A. Yes.

17 Q. Okay. Then what happened next?

18 A. We went outside and Anthony Clark, as my national boss,
19 told me to shoot a few times in the back of the bar so nobody
20 would come out the back of the bar where we were at.

21 Q. All right. Did you do that?

22 A. Yes.

23 Q. You did that on Anthony Clark's direction?

24 A. Yes.

25 Q. Why? Did you have to do that?

1 A. Yes. Because he was the national president at that time.

2 Q. So what happens next after you leave the bar?

3 A. We all went over to the Copa bar.

4 Q. All right. You mentioned the Copa bar. Is the Copa bar a,
5 a bar that's associated with another motorcycle club?

6 A. Yeah. Devils Diciples.

7 Q. All right. And are you aware of who owns the Copa?

8 A. Yes. Billy Wadd.

9 Q. Now, as you said before, Billy Wadd is a Devils Diciples
10 member?

11 A. Yes.

12 Q. So you go to the Copa Lounge. What happens then?

13 A. I got drunk. I was the last one to leave. And then I
14 pulled out of the parking lot and they wrecked my car. A guy
15 hit me in the back end.

16 Q. And so you mentioned earlier that you were using alcohol;
17 is that correct?

18 A. Yes.

19 Q. And using cocaine? So were you concerned when you got in
20 this accident?

21 A. Yes.

22 Q. And what happened after that?

23 A. The Devils Diciples brought a sober man to sit in my car
24 while the police come to make a report.

25 Q. So the Devils Diciples helped you out?

1 A. Yes.

2 Q. Why would they do that?

3 A. Because we was just friends at that time.

4 Q. So, Mr. Peters, you talked a little bit about using alcohol
5 and using cocaine. Can you talk a little bit more about some
6 of the substances that you've used during your time as a
7 Highwaymen member?

8 A. I only use cocaine and alcohol. That was it, myself.

9 Q. And would you say that you've abused those substances?

10 A. Yes.

11 Q. For what period of time did you use cocaine?

12 A. About 2000 to 2007.

13 Q. And about how often would you use it?

14 A. Every Wednesday and every Friday.

15 Q. And what about alcohol?

16 A. Alcohol, about four or five days a week.

17 Q. All right. So do you currently use cocaine?

18 A. No.

19 Q. Currently use alcohol?

20 A. No.

21 MR. MAIATICO: One moment, your Honor.

22 (Brief pause.)

23 BY MR. MAIATICO:

24 Q. Just a few more questions, Mr. Peters.

25 You talked about some of the members of the Devils

1 Diciples that you knew. You mentioned a few names. We've
2 talked about Scotty Z. You talked about Billy Wadd. You
3 mentioned an individual by the name of Rockin' Ronnie?

4 A. Yes. I know Rockin' Ronnie.

5 Q. Who is he?

6 A. He's a member of the Devils Diciples.

7 Q. How did you know him?

8 A. From the Devils Diciples.

9 Q. Did he have any -- did he have a brother?

10 A. Yeah. Detroit Dave.

11 Q. And do you know him as well?

12 A. Yes.

13 Q. And was he a member of the Devils Diciples?

14 A. Yes.

15 Q. Now, did you know anything further about their
16 participation, their membership in the Devils Diciples?

17 A. No.

18 Q. These were more people that you knew as members from
19 parties?

20 A. Yes.

21 Q. You also mentioned an individual named Roach, I believe?

22 A. Yes.

23 Q. And how did you know Roach?

24 A. Coming to parties, seeing him all the time.

25 Q. We're mentioning club nicknames. Do you know any of these

1 individuals' real names?

2 A. No.

3 Q. And finally, I think you talked about Stevo?

4 A. Yes.

5 Q. And who was Stevo?

6 A. Stevo was a Devils D disciple.

7 Q. Is this also someone you knew from the parties?

8 A. Yes.

9 Q. Do you know his real name?

10 A. No.

11 Q. Now, who was the national boss, as you understood it, of
12 the --

13 A. Fat Dog.

14 Q. -- Devils D disciples? Fat Dog?

15 A. Yeah.

16 Q. And did you know Fat Dog's real name?

17 A. No.

18 Q. Did you see him at the parties?

19 A. Not much.

20 Q. Why was that?

21 A. I don't know.

22 Q. Now, I want you to take a look around the courtroom. Do
23 you see an individual that you know by the name of Fat Dog in
24 the courtroom today?

25 A. I couldn't point him out if I seen him, to be honest with

1 you.

2 Q. Because you haven't seen him that much?

3 A. Yeah.

4 MR. MAIATICO: I have no further questions.

5 THE COURT: Defense, cross-examination?

6 MS. STOUT: Yes, please, your Honor.

7 THE COURT: Ms. Stout.

8 MS. STOUT: Thank you.

9 THE COURT: You may proceed. We have about 10 or 12
10 minutes here until 1:30.

11 MS. STOUT: I should be done.

12 THE COURT: All right.

13 CROSS-EXAMINATION

14 BY MS. STOUT:

15 Q. Good afternoon, sir.

16 A. Good afternoon.

17 Q. You indicated that you were involved as a cooperating
18 witness in the Highwaymen Motorcycle Club that was tried in
19 this courthouse, correct?

20 A. Yes.

21 Q. And you indicated that you pled guilty; is that correct?

22 A. Yes.

23 Q. And you pled guilty to a conspiracy RICO count or a
24 substantive RICO count, if you know?

25 A. I don't know. I'm not sure.

1 Q. Okay.

2 MS. STOUT: Can I ask the Government if they have that
3 indictment, your Honor?

4 Thank you. I've got it. Thank you.

5 BY MS. STOUT:

6 Q. Now, when you made the decision to plead guilty, sir, you
7 entered into what's called a Rule 11 plea agreement with the
8 Prosecutor's Office; is that accurate?

9 A. Yes.

10 Q. And could you explain to the jury what a Rule 11 plea
11 agreement is, in your words?

12 A. I was willing to testify against my own club.

13 Q. Now, the Rule 11 plea agreement is quite lengthy; is that
14 true?

15 A. Yes.

16 Q. And it contains provisions that you're agreeing to in order
17 to make this deal, so to speak, correct?

18 A. Yes.

19 Q. Okay. Now, one of the provisions is about your
20 cooperation; is that accurate?

21 A. Yes.

22 Q. So before the trial proceeded against the people that you
23 testified against, you discussed this Rule 11 plea agreement
24 with your lawyer; is that accurate?

25 A. Yes.

1 Q. As well as Government attorneys?

2 A. Yes.

3 Q. And you signed it; is that accurate?

4 A. Yeah.

5 Q. Okay. One of the provisions in that Rule 11 plea agreement
6 is about what you are agreeing to cooperate to; is that
7 accurate?

8 A. Yes.

9 Q. Now, is it accurate to say that that paragraph was quite
10 lengthy, if you recall?

11 A. I don't really recall.

12 Q. Okay. But you were asked to be completely truthful about
13 any criminal activity that anything you know about.

14 A. Yes.

15 Q. You're not allowed to, to omit anything or, or withhold
16 anything, correct?

17 A. Correct.

18 Q. And was it your understanding, too, that the more helpful
19 you are, the more credit the Government is going to give you --
20 is that -- credit the Government will give you; is that
21 accurate?

22 A. No. I wouldn't say that.

23 Q. Well, is it true, sir, that the substantial assistance
24 determination is made by the Prosecutor's Office? In other
25 words, they determine what break they are going to give you for

1 your cooperation or your assistance. You don't determine it.

2 A. No. I don't determine it. No.

3 Q. Okay. So it's your understanding, when you're in proffers
4 or these cooperation meetings, that the more information you
5 give, the better break you're going to get?

6 A. They never offered me nothing.

7 Q. Well, sir, you signed -- you said you signed a Rule 11 plea
8 agreement.

9 A. Yes.

10 Q. Is that accurate?

11 Now, in that Rule 11 plea agreement, based on your,
12 your substantial assistance to them, didn't they agree to
13 dismiss Counts 2 of the indictment? Three? I'm sorry, Counts
14 2, 13, 14, 17, 20, and 49; is that accurate?

15 A. I'm not really sure on it.

16 Q. Would it refresh your recollection to look at your Rule 11
17 plea agreement to see that language?

18 A. Yes, actually.

19 MS. STOUT: Okay. May I approach, your Honor?

20 THE COURT: Yes, you may.

21 MS. STOUT: Thank you.

22 BY MS. STOUT:

23 Q. Please read this to yourself, not out loud. And just to
24 make it easier for everyone, I will direct your attention to
25 page 4 that talks about cooperation.

1 A. Okay.

2 Q. The nature of cooperation. And then that's discussing --

3 A. Okay.

4 Q. Thank you, sir. Take your time to read that.

5 (Brief pause.)

6 BY MS. STOUT:

7 Q. You read it?

8 A. Yes.

9 Q. Does that refresh your recollection, sir?

10 A. Yes.

11 Q. So the Government said, based upon your cooperation, your
12 assistance to them, they would consider dismissing Count 2,
13 correct?

14 A. Yes.

15 Q. And Count 2 was, that was a conspiracy to participate in
16 the affairs of an interstate enterprise through a pattern of
17 racketeering, correct?

18 A. Yes.

19 Q. So the conspiracy to commit RICO would be dismissed.

20 A. Yes.

21 Q. Correct? Okay.

22 They also agreed to dismiss Count 13, correct?

23 A. Yes.

24 Q. And that was a conspiracy to commit a murder in the aid of
25 racketeering; is that accurate?

1 A. I didn't have no murder on there.

2 Q. Would it refresh your recollection to look at your
3 indictment?

4 A. Yeah.

5 Q. Okay.

6 MS. STOUT: May I approach, your Honor?

7 THE COURT: Yes.

8 MS. STOUT: Thank you.

9 BY MS. STOUT:

10 Q. Read it to yourself.

11 A. On this page?

12 Q. Count 13.

13 A. It's on this one or another page?

14 Q. Count 13 is on that page.

15 A. Okay.

16 Q. Does that refresh your recollection, sir?

17 A. Yes.

18 Q. Okay. Could I?

19 A. Oh, yeah.

20 Q. Thank you, sir.

21 So is it true that they agreed to dismiss Count 1,
22 based upon your substantial assistance?

23 A. Yes.

24 Q. And that was the murder count? Well, conspiracy to commit
25 a murder in the aid of racketeering?

1 A. Yes.

2 Q. And they also agreed to dismiss Count 14?

3 A. Yes.

4 Q. And that also was a conspiracy to commit murder in the aid
5 of racketeering; is that accurate?

6 A. Yes.

7 Q. Okay. And they also agreed to dismiss Count 17, true?

8 A. Yeah.

9 Q. And that was a conspiracy to possess with intent to
10 distribute, and distribution of cocaine; is that accurate?

11 A. Yes.

12 Q. And they also agreed to dismiss Count 20?

13 A. Yes.

14 Q. And Count 20 was a conspiracy to possess with intent to
15 distribute and the distribution of cocaine, accurate?

16 A. Yes.

17 Q. Okay. And finally, they agreed to dismiss Count 49, true?

18 A. Yes.

19 Q. And Count 49 was a forfeiture count. Do you understand
20 what a forfeiture count is?

21 A. No. I don't understand.

22 Q. Did you, at any time, realize that they would dismiss the
23 agreement to give up property of yours, if there was any to
24 give up?

25 A. Yes.

1 Q. Okay. Thank you.

2 Now, in addition to dismissing one, two, three --
3 seven counts, they also said, based on their determination of
4 your substantial assistance, they would only hold you
5 accountable for particular acts of racketeering; is that
6 correct?

7 A. Yes, I believe so.

8 Q. Now, those acts agreed upon were acts 12 and 13 of that
9 count; is that accurate?

10 A. I don't know which one they are. If you could tell me, I
11 can say if they are or not.

12 Q. Would it refresh your recollection to look at your Rule 11
13 plea agreement?

14 THE COURT: If it's written down and you're looking at
15 it, why don't you just recite it. Recite it and proceed by
16 leading.

17 MS. STOUT: Thank you.

18 BY MS. STOUT:

19 Q. It says in your --

20 THE COURT: Unless you have some other reason to test
21 memory or something similar to that. I don't know think
22 it's --

23 MS. STOUT: I just was trying to follow the court
24 rules. I'm sorry, your Honor.

25 THE COURT: Thank you.

1 BY MS. STOUT:

2 Q. So in other words, the racketeering acts that were -- that
3 you were not held accountable for, if you agreed to cooperate
4 and provide substantial assistance, numerous, numerous acts
5 would be dismissed and not counted against you, correct?

6 A. Correct.

7 Q. And that would include things like robbery and murder?

8 A. No murder.

9 Q. No murder? Robbery? Extortion? Stolen vehicles? Things
10 like that?

11 A. Yes.

12 Q. Distributing? Okay. Thank you.

13 Now, when you negotiated this Rule 11 plea agreement
14 with your lawyer and the Prosecutor's Office, you understood
15 there were sentencing guidelines?

16 A. Yes.

17 Q. Because when you're facing charges such as you were, you
18 could spend the rest of your life in prison; accurate?

19 A. Yes.

20 Q. Those sentencing guidelines are dependent upon your
21 offenses, correct?

22 A. Correct.

23 Q. All right. So the guidelines were life?

24 A. Yes.

25 Q. Initially, before you decided to cooperate.

1 Once you decided to cooperate, you understood that you
2 could control the level of your offense in those guidelines by
3 what you pled guilty to; is that accurate?

4 I don't think you need to look at the prosecutor to
5 answer that.

6 A. Well, no, I wouldn't say that.

7 Q. Oh, you wouldn't?

8 So in other words, you were held responsible for
9 racketeering act 9, which was cocaine distribution?

10 A. Yes.

11 Q. Now, during the time you were with the Highwaymen, you
12 indicated that you were involved with this cocaine?

13 A. Yes.

14 Q. Part of the distribution of it, too.

15 A. Yes.

16 Q. That was your thing. And you said they were more meth, you
17 were more cocaine, or something to that effect?

18 A. Yes.

19 Q. Okay. So what do you think, about how much cocaine were
20 you guys selling each week?

21 A. I really don't know.

22 Q. Well, two ounces?

23 A. More than that.

24 Q. Or pounds? Yeah pounds, wouldn't you say?

25 A. I would say so, yeah.

1 Q. And how many pounds in a kilo?

2 A. One.

3 Q. There's one pound in a kilo or two point something in a
4 kilo?

5 A. Two point something. I'm sorry. Yeah.

6 Q. So over seven years would be a tremendous amount of pounds,
7 right, or kilos?

8 A. Yes. It would be.

9 Q. Hundreds, thousands maybe? At least hundreds. Accurate?

10 A. Yeah. It would be -- that would be accurate.

11 Q. Now, isn't it true, though, in your Rule 11 plea agreement,
12 in racketeering act 9 that you were held responsible for, you
13 only pled guilty or responsible for distributing 2 to 3.5
14 kilograms of cocaine; correct?

15 A. Yes.

16 Q. You weren't held responsible for everybody else's, whatever
17 they were dealing; you were just held responsible for 2 pounds,
18 2 to 3.5 kilos?

19 A. Yes.

20 Q. And you understood, because your lawyer explained to you,
21 that that brought your offense level down and your guidelines
22 down.

23 A. Yes.

24 Q. Okay. Now, you also understood when you signed this Rule
25 11 plea agreement -- before you testified, correct?

1 A. Yeah.

2 Q. That the Government had already suggested what they might
3 do for you in this Rule 11 plea agreement, but they weren't
4 committed to it, though, accurate?

5 A. Yes.

6 Q. So because you brought the level of offense down, you
7 brought your guideline range down to 108 to 135 months instead
8 of life, right?

9 A. Yes.

10 Q. Okay. So about ten years or something.

11 Now, they already agreed with you, before you
12 testified and before you, before you, you knew what you had to
13 do -- before you did what you knew what you had to do to get
14 this deal, that they would bring the guideline range down to 48
15 to 54 months.

16 A. Yes.

17 Q. So, in other words, more than 50 percent. So from life to
18 ten years to less than five?

19 A. Well, I didn't get to that until the end of it.

20 Q. Correct.

21 A. Yes.

22 Q. You did not get it, because it depends on how you do
23 testifying, and if you're really cooperating, really helpful
24 providing "substantial assistance" is the term, right?

25 A. Yes.

1 Q. Then it's determined what you're going to get.

2 A. Yeah.

3 Q. Correct?

4 Okay. But you knew when you went into this that there
5 was some form of understanding, and that was 48 to 54 months.
6 It was in the agreement. It's in writing.

7 A. Yeah.

8 Q. Okay. There's a lot on the line?

9 A. Yeah.

10 Q. Thank you.

11 MS. STOUT: I'll hurry up, your Honor.

12 THE COURT: Well, you don't need to hurry. I'm just
13 saying it's a little past 1:30. You're certainly free to
14 continue on Monday.

15 MS. STOUT: Thank you.

16 THE COURT: Which do you wish to do? If you can wrap
17 it up in a minute or so, that will be fine.

18 MS. STOUT: It would be better to continue on Monday,
19 because I don't want to hold these poor people up.

20 THE COURT: Or this, or --

21 MS. STOUT: Or this judge or these poor people with my
22 mouth, yes.

23 THE COURT: Okay.

24 MS. STOUT: Thank you.

25 THE COURT: All right. We'll resume with this on

1 Monday morning, ladies and gentlemen. You'll be away for the
2 weekend in just a few moments.

3 Now, we're not -- we haven't recessed yet. Have a
4 seat. Have a seat. Have a seat.

5 (Laughter in the courtroom.)

6 THE COURT: You'll be free for the weekend. And so my
7 suggestion is, again, that you put this basically off your
8 minds and get a good rest. Do something else other than think
9 about trials over the weekend.

10 Don't do any research, reading, investigation,
11 writing, discussion, or anything of that sort concerning the
12 case or any people that are associated with it, names or
13 concepts or other things that you've heard about thus far.

14 Just put everything aside. Put your books away and so
15 forth as you prepare to leave, and have a pleasant weekend. We
16 shall see you on time Monday morning. And thank you very much.
17 You may rise and leave.

18 (Jury out, 1:32 p.m.)

19 THE COURT: Court stands in recess. We're recessed.
20 That's all.

21 (Proceedings concluded, 1:33 p.m.)

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CERTIFICATE OF REPORTER

As a Federal Official Court Reporter for the United States District Court, appointed pursuant to provisions of Title 28, United States Code, Section 753, I do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

Dated this 18th day of October, 2014.

s/ Christin E. Russell
Christin E. Russell
RMR, CRR, FCRR, CSR
Federal Official Court Reporter